



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxiii.

An Act for more effectually watching, cleansing, and lighting the Streets of the City of *Edinburgh* and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto. [14th *August* 1848.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for cleansing, lighting, and watching the several Streets and other Passages on the South Side of the City of Edinburgh, and for removing Nuisances and Annoyances therefrom, and preventing the same for the future*: And whereas another Act was passed in the Twelfth Year of the Reign of His said Majesty, intituled *An Act for lighting, cleansing, and watching the Streets, Lanes, and other Passages of the Burgh of Canongate, and the Liberties of Pleasance and Leith Wynd, adjoining to the Royalty of the City of Edinburgh*: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said Majesty, intituled *An Act for opening an easy and commodious Communication from the High Street of Edinburgh to the Country Southward, and also from the Lawnmarket to the new-extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that Purpose*; [Local.] 15 K for

11G. 3. c. 36.
12G. 3. c. 15.
25G. 3. c. 28.

for widening and enlarging the Streets of the said City, and certain Avenues leading to the same; for rebuilding or improving the University; for enlarging the public Markets and Communications thereto; for regulating certain Taxes; for lighting the said City; for providing an additional Supply of Water; for extending the Royalty of the said City; and for levying an additional Sum of Money for Statute Labour in the Middle District of the County of Edinburgh: And whereas another Act was passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act for watching, cleansing, and lighting the Streets of the City of Edinburgh and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto*: And whereas another Act was passed in the Seventh Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to explain and amend an Act of the Third Year of the Reign of His present Majesty, intituled 'An Act for watching, cleansing, and lighting the Streets of the City of Edinburgh and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto:'* And whereas another Act was passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for altering and amending certain Acts for regulating the Police of the City of Edinburgh and the adjoining Districts, and for other Purposes relating thereto*: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act for continuing certain Acts for regulating the Police of the City of Edinburgh and the adjoining Districts, and for other Purposes relating thereto*: And whereas another Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for continuing, altering, and amending certain Acts for regulating the Police of the City of Edinburgh and the adjoining Districts, and for other Purposes relating thereto*: And whereas it is expedient that the said recited Acts, in so far as they relate to the watching, cleansing, lighting, and paving of the Streets and the Regulation of the Police within the said City and adjoining Districts, should be repealed, and that other and enlarged Powers and Provisions should be made and granted for these Purposes, and for the sanitary Improvement of the said City; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said several recited Acts, in so far as they relate to the watching, cleansing, lighting, and paving of the Streets, Roads, Lanes, Passages, Squares, Closes, and other Places in the said City and adjoining Districts within the Limits of this Act, and in so far as they relate to the other Purposes of this Act, shall be and the same are hereby repealed: Provided always, that, except in so far as the same are hereby repealed, the said recited Acts, and all the Powers, Provisions, Penalties, Matters, and Things therein contained, shall be good, valid, and effectual, to all Intents and Purposes, in the same Manner as if this Act had not been passed.

Recited Acts, so far as they relate to watching, &c. and other Purposes of this Act, repealed.

II. And

II. And be it enacted, That the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Burghs in Scotland to establish a general System of Police*, and the Enactments and Provisions thereof, shall not extend to and the Operation of the same is hereby expressly excluded from this Act and the Limits thereof, as herein-after described.

Operation of Burgh Police Act, 3 & 4 W. 4. c. 46., excluded from this Act.

III. And be it enacted, That the Clauses and Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase of Lands by Agreement, so far as applicable to this Act, and not inconsistent therewith, shall be incorporated with and form Part of this Act.

Certain Parts of 8 & 9 Vict. c. 19. incorporated with this Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds, Instruments, and Proceedings, it shall be sufficient to use the Expression "The *Edinburgh* Police Act, 1848."

Short Title.]

V. And be it enacted, That this Act, and the whole Provisions, Powers, Authorities, Jurisdictions, and Regulations thereof, shall extend over and be applicable to the ancient and extended Royalties of the City of *Edinburgh*, and the whole Grounds and Houses locally situated and comprehended within the following Limits; *videlicet*, from a Point on the Road from *Leith* to *Queensferry* which is distant Four hundred Yards (measured along such Road) to the West of the Point at which the same meets the *Inverleith* Road at the House called *Golden Acre*, in a straight Line to the North-western Corner of the Enclosure of *John Watson's* Institution; thence in a straight Line to the Third Stone Bridge on the *Union Canal*; thence in a straight Line to the Point at which the Western Wall of the Enclosure of the Lunatic Asylum at *Morningside* meets the *Jordan* or *Powburn*; thence down the *Jordan* or *Powburn* to a Point which is distant Two hundred and forty-four Yards (measured along such Burn) below the Arch over the same on the *Carlisle Road*; thence in a Line to the Southmost House at *Cellarbank* on the *Dalkeith Road*, at present occupied by *Mrs. Euphemia Dunn* or *Waldie*; thence in a straight Line to the Summit of *Arthur's Seat*; thence in a straight Line to the Junction of the old and new Roads at *Meadowbank*; thence by a Line through the Grounds belonging to the Orphan Hospital, *Sir Graham Montgomery* Baronet, and the *Earl of Moray*, to the *Lochend Road*, and along the North-east Boundary of the Grounds belonging to the *Trinity Hospital* to *Leith*; thence along *Duke Street* and the *New Road* to the Western Boundary of *Mr. Kirk's* Property at the Foot of *Leith Walk*; thence by a Line to the Water Run which crosses the *Bonnington Road* at *Swanfield*, and along that Water Run to the Water of *Leith*; thence, following the Course of the Water of *Leith* upwards, to *Bonnington Bridge*; thence along the *Bonnington Road* to the Point at which the latter meets the Road from *Leith* to *Queensferry*; thence along the Road from *Leith* to *Queensferry* to the Point first described.

Limits of Act.

VI. And

Division into
Wards.

VI. And be it enacted, That for the more effectual Execution of this Act the said City and Places within the said Limits shall be divided into the following Wards or Districts; (*videlicet*,)

Ward First, *Saint Leonards*: Bounded on the South by the *Powburn* and the said House occupied by Mrs. *Euphemia Dunn* or *Waldie* at *Cellarbank*; on the East by the Boundary of the Territory over which this Act extends; on the North by *Salisbury Street*; on the West by *Pleasance* and *Crosscauseway*, *Saint Patrick Street* and *Square*, *Clerk Street* and *Minto Street*; and to comprehend the whole Space within these Limits:

Ward Second, *Causewayside*: Bounded on the South by the *Powburn*; on the East by *Minto Street*, *Clerk Street*, and *Saint Patrick Square*; on the North by *Crosscauseway*, *Buccluch Street*, *Stable Lane* behind *Buccluch Place*, and the *North Meadow Walk*; on the West by the *Centre Meadow Walk*, the West Side of *Meadow Place*, and the *Lover's Lane*; and to comprehend the whole Space within these Limits:

Ward Third, *George's Square*: Bounded by the *North Meadow Walk*, *Stable Lane* behind *Buccluch Place*, *Buccluch Street*, *Chapel Street*, *Bristo Street* to *Bristo Port*, through *Forrest Road*, and by the *Centre Meadow Walk*; and to comprehend the whole Space within these Limits:

Ward Fourth, *Richmond Street*: Bounded by *Pleasance*, *Drummond Street*, *Nicolson Street*, and *Crosscauseway*; and to comprehend the whole Space within these Limits:

Ward Fifth, *Potter Row*: Bounded by *Nicolson Street*, *South College Street*, *Lothian Street*, *Bristo Street*, *Chapel Street*, and *Crosscauseway*; and to comprehend the whole Space within these Limits:

Ward Sixth, *Argyle Square*: Bounded by the *Pleasance*, *Cowgate*, *King George the Fourth's Bridge*, *Bristo Street*, *Lothian Street*, *College Street*, and *Drummond Street*; and to comprehend the whole Space within these Limits:

Ward Seventh, *Head of Canongate*: Bounded by the East Boundary of the Territory over which this Act extends, the Water Run in Mr. *Fletcher's* Property, South Back of *Canongate*, *Saint John Street*, *New Street*, South Side of the Prison of *Edinburgh*, *Leith Wynd*, *Saint Mary's Wynd*, *Pleasance*, and *Salisbury Street*; and to comprehend the whole Space within these Limits:

Ward Eighth, *Abbey Hill*: Bounded by the *Regent Road*, *New Street*, *Saint John Street*, South Back of *Canongate*, the Water Run in Mr. *Fletcher's* Ground, South Back of *Canongate*, and the South Boundary of the Territory over which this Act extends; and to comprehend the whole Space within these Limits:

Ward Ninth, *Nether Bow*: Bounded by *Saint Mary's Wynd*, *Leith Wynd*, *Physic Gardens*, *North Bridge*, *South Bridge*, and *Cowgate*; and to comprehend the whole Space within these Limits:

Ward Tenth, *Hunter Square*: Bounded by *South Bridge*, *North Bridge*, *Market Street*, *Craig's Close*, *High Street*, *King George the Fourth's Bridge*, and *Cowgate*; and to comprehend the whole Space within these Limits:

Ward Eleventh, *Bank Street*: Bounded by *Craig's Close*, *Market Street*,
Street,

Street, Earthen Mound, Princes Street, the East Boundary of the West Church Burying Ground, Castle Bank, King's Bridge, New West Approach, Lawnmarket, and High Street; and to comprehend the whole Space within these Limits:

Ward Twelfth, *Grassmarket*: Bounded by *King George the Fourth's Bridge, Lawnmarket, New West Approach, King's Bridge, King's Stables, Vennel, Heriot Place*, thence Eastward along the Line of Road between the Grounds of *Heriot's* and *Watson's Hospitals* to *Forrest Road*, thence along *Forrest Road* to the Southmost End of *King George the Fourth's Bridge*; and to comprehend the whole Space within these Limits:

Ward Thirteenth, *Lauriston*: Bounded by *Lover's Lane, Meadow Place, Meadow Walk, Lauriston Road, Heriot Place, Vennel*, the South Boundary of the Property in *Wester Portsburgh, Cowfeeder Row, Tollcross, Home Street, Leven Street, Wright's Houses*, by the Road by *Whitehouse* to *Grange Loan*, by the West Boundary of *Mr. Adie's* and *Mr. Trotter's* Properties, to the Burn of *Jordan* or *Powburn*; and to comprehend the whole Space within these Limits:

Ward Fourteenth, *Gilmore Place*: Bounded by *Fountain Bridge* and the Road to *North Merchiston* to the West Boundary of the Territory over which this Act extends, from thence by a Line to the Burn of *Jordan* or *Powburn*, so as to comprehend *Merchiston, Morningside*, and the Buildings thereto adjacent, and by the said Burn of *Jordan* or *Powburn* to the East Boundary of *Canaan Bank, Milbank*, by the Road from *Grange Loan* to *Wright's Houses, Leven Street, Home Street, Tollcross*, and *Cowfeeder Row*; and to comprehend the whole Space within these Limits:

Ward Fifteenth, *Lothian Road*: Bounded by *Livingston Yards*, East Boundary of the *West Churchyard, Princes Street, Lothian Road, St. Cuthbert's Lane, Morrison Street, Jamaica Street, Haymarket*, and by the *Glasgow Road* to the *Whitehouse Toll Bar*; on the West by the Boundary of the Territory over which this Act extends; and on the South by *Fountain Bridge Road*, the South Boundary of the Property in *Wester Portsburgh*, and the *Vennel* and *King's Stables*; and to comprehend the whole Space within these Limits:

Ward Sixteenth, *Athole Crescent*: Bounded on the East by *Queensferry Street, Drumsheuch, Lynedoch Place*, and by the Road to *Cragleith* by *Back Dean*, and from thence by a Line to the *Whitehouse Toll Bar*; and on the South by the *Glasgow Road, Haymarket, Morrison Street, Jamaica Street, Dewar Place, St. Cuthbert's Lane, Lothian Road*, to *Queensferry Street*; and to comprehend the whole Space within these Limits:

Ward Seventeenth, *Moray Place*: Bounded by the Water of *Leith, Lynedoch Place, Melville Place, Queensferry Street, Princes Street, South and North Charlotte Streets, Charlotte Square, Albyn Place, Wemyss Place, Church Lane, and Doune Terrace*; and to comprehend the whole Space within these Limits:

Ward Eighteenth, *Royal Circus*: Bounded by *Queen Street, Wemyss Place, Church Lane, Doune Terrace, Water of Leith, Glanville Place, Brunswick Street, Saint Vincent Street*, and

Howe Street; and to comprehend the whole Space within these Limits:

Ward Nineteenth, *Great King Street West*: Bounded by *Queen Street*, *Howe Street*, *Saint Vincent Street*, *Fettes Row*, *Royal Crescent*, *Duncan Street*, *Drummond Place*, *Great King Street*, and *Dundas Street*; and to comprehend the whole Space within these Limits:

Ward Twentieth, *Drummond Place*: Bounded by *Queen Street*, *Dundas Street*, *Great King Street*, *Drummond Place*, *Duncan Street*, *Royal Crescent*, *Cornwallis Place*, *Bellevue Crescent*, *Mansfield Place*, *London Street*, *Drummond Place*, *Dublin Street*, and *Duke Street*; and to comprehend the whole Space within these Limits:

Ward Twenty-first, *Henderson Row*: Bounded by *Cornwallis Place*, *Royal Crescent*, *Fettes Row*, *Saint Stephen's Church*, *Brunswick Street*, *Glanville Place*, *Water of Leith* from *Stockbridge* to *Canonmills Bridge*, *Canonmills Road* to *Cornwallis Place*; and to comprehend the whole Space within these Limits:

Ward Twenty-second, *George Street*, First Division West: Bounded by *Princes Street*, *South and North Charlotte Street*, *Charlotte Square*, *Queen Street*, and *Castle Street*; and to comprehend the whole Space within these Limits:

Ward Twenty-third, *George Street*, Second Division West: Bounded by *Princes Street*, *Castle Street*, *Queen Street*, and *Frederick Street*; and to comprehend the whole Space within these Limits:

Ward Twenty-fourth, *George Street*, Second Division East: Bounded by *Princes Street*, *Frederick Street*, *Queen Street*, and *Hanover Street*; and to comprehend the whole Space within these Limits:

Ward Twenty-fifth, *George Street*, First Division East: Bounded by *Princes Street*, *Hanover Street*, *Queen Street*, and *Saint David Streets*; and to comprehend the whole Space within these Limits:

Ward Twenty-sixth, *Saint Andrew Square*: Bounded by the Northmost open Arch of the *North Bridge*, *Market Street*, *Waverley Bridge* or *Road*, formerly called *Eastern Mound*, *Princes Street*, *Saint David Street*, *Saint Andrew Square*, *Queen Street*, *York Place*, *Elder Street*, *Saint James' Square*, *East Register Street*, and *North Bridge Street*; and to comprehend the whole Space within these Limits:

Ward Twenty-seventh, *Saint James' Square*: Bounded by *Physic Gardens*, *North Bridge*, *East Register Street*, *James Square*, *Elder Street*, *York Place*, *Picardy Place*, *Union Place*, *Catherine Street*, *Calton Street* to *Regent Arch*, *Waterloo Place*, to *Calton Convening Room*, and from thence by a Line to the Head of *North Back* of *Canongate* and *Leith Wynd*; and to comprehend the whole Space within these Limits:

Ward Twenty-eighth, *Royal Terrace*: Bounded by *Calton Street*, *Greenside Street* and *Place*, *Blenheim Place*, *London Road*, *Brunton Place* and *Norton Place*, *Regent Road*, South Boundary of the Prison of *Edinburgh*, West Boundary of the said Prison, and *Waterloo Place*; and to comprehend the whole Space within these Limits:

Ward

Ward Twenty-ninth, *Gayfield Square*: Bounded by *Picardy Place*, *York Place*, *Duke Street*, *Dublin Street*, *Drummond Place*, *London Street*, *Mansfield Place*, *Bellevue Crescent*, *Canonmills*, *Water of Leith to Red Braes*, *Bonnington Road*, *Annandale Street*, *Haddington Place*, *Gayfield Place*, *Antigua Street*, and *Union Place*; and to comprehend the whole Space within these Limits:

Ward Thirtieth, *Leith Walk*: Bounded by the *London Road*, *Brunton Place*, *Elm Row*, *Annandale Street*, *Bonnington Road to Red Braes*, *Water of Leith to the North Boundary of the Territory over which this Act extends*, by *Swanfield*, *Junction Street*, *Duke Street*, *Kinneff Crescent*, and the East Boundary of the Territory over which this Act extends; and to comprehend the whole Space within these Limits:

Ward Thirty-first, *Inverleith*: Bounded by the *Water of Leith* on the South, and by a Line from the Centre of Mr. *Pollock's* Property Northwards from the *Queensferry Road*, and along that Road Five hundred Feet West from the Eastern Boundary of the Lands of *Inverleith* which belonged to *John Rocheid* Esquire, and from thence by a Line drawn through the Lands of *Inverleith* to the Water Run in the Lands which belonged to *Sir William Fettes* Baronet, and by the said Water Run until it falls into the *Water of Leith* at the Porter's Lodge on the Road leading to *Inverleith House* by *St. Bernard's Row*; and to comprehend the whole Space within these Limits:

Ward Thirty-second, *St. Bernard's*: Bounded by the Water Run from the Lands which belonged to the late *Sir William Fettes* Baronet, and which runs through Part of the Lands of *Inverleith*, until it falls into the *Water of Leith* at the Porter's Lodge on the Road leading to *Inverleith* by *St. Bernard's Row*, and by the *Water of Leith* upwards to *Dean Bridge*, from thence by the Road to *Cragleith* by *Back Dean*, and from thence by the Line which forms the Western Boundary of the Territory over which this Act extends to the Water Run in the Property which belonged to the late *Sir William Fettes* Baronet, first mentioned; and to comprehend the whole Space within these Limits.

VII. And be it enacted, That it shall be lawful for the General Commissioners of Police to be elected under the Provisions of this Act to alter, vary, add to, or diminish the Boundaries and Extent of the said Wards, or any of them, or to vary the Number of the said Wards, in such Manner as the State of the Population thereof, or other Circumstances, shall appear to them from Time to Time to require; and that the Boundaries of the Wards shall run along the Middle of the Streets, Roads, Lanes, and Closes by which they are declared to be bounded, except where the contrary is specially mentioned; and as to any Streets, Grounds, Houses, or Places within the Limits of this Act not embraced in the special Description of any of the Wards before mentioned, the same shall be held as belonging to that Ward to which such Streets, Grounds, Houses, or Places are severally next adjacent; and in case of any Dispute the same shall be decided at a Meeting of the said General Commissioners, whose Determination shall be final:

Power to alter the Wards.

Boundaries to run along Middle of Streets, &c.

final: Provided always, that any Alteration on any of the said Wards shall be intimated by Advertisement to be made Once in at least Three of the Newspapers published in *Edinburgh*.

Appoint-
ment of
General
Commis-
sioners.

VIII. And be it enacted, That the Lord Provost and Four Baillies of the City of *Edinburgh*, and the Sheriff of the County of *Edinburgh*, and One of his Substitutes, all for the Time being, and One General Commissioner of Police for each Ward, qualified and elected in manner herein directed, shall be and are hereby appointed General Commissioners for the Purposes of this Act.

Resident
Commis-
sioners of
Wards, their
Powers and
Duties.

IX. And be it enacted, That besides the General Commissioner there shall be Two Commissioners for and resident within each Ward, qualified and elected in manner herein directed, who shall be termed Resident Commissioners of their respective Wards; and every such General and Resident Commissioner shall have, exercise, and possess all the Powers which by the Law of *Scotland* belong to the Office of Constable, under the Authority of the Magistrates of the said City and of the Sheriff of the County of *Edinburgh* respectively, within the Limits of this Act; and the General Commissioners, and, in their Absence, the Resident Commissioners, shall be Head Constables in and have a general Superintendence of their respective Wards, for enforcing the Provisions of this Act, and Regulations made in virtue thereof, and for promoting and enforcing all Measures necessary for the Peace, Order, and Security of the Inhabitants therein; and the Resident Commissioners shall report from Time to Time to the General Commissioners, or to their Clerk, or to the Superintendent of Police, Inspector of Lighting and Cleansing, or Superintendent of Streets, to be appointed as herein-after provided, according to the Nature of the Case, any Neglect or Infringement of such Provisions and Regulations.

Qualification
of Commis-
sioners.

X. And be it enacted, That the General and Resident Commissioners to be elected under this Act shall be chosen out of the Number of Electors within the Ward for which they are elected Commissioners respectively, whose Dwelling Houses, Shops, Warehouses, or other Premises, or Buildings situated within such Ward, are valued at Fifteen Pounds or upwards of actual yearly Rent; and every Resident Commissioner shall be resident within the Ward for which he is so elected: Provided always, that General and Resident Commissioners going out of Office as herein-after directed may be re-elected.

Qualification
of Electors.

XI. And be it enacted, That the General Commissioner and the Two Resident Commissioners for each Ward shall be elected by a Majority of the Votes of the Male Occupiers of Dwelling Houses, Shops, Warehouses, or other Premises or Buildings situated within the Ward, valued in manner herein-after directed at Ten Pounds or upwards of actual yearly Rent: Provided always, that no Elector shall have more than One Vote in any Ward, without Prejudice to his voting in any other Ward, if qualified therein, as aforesaid.

XII. And

XII. And be it enacted, That only One Vote shall be given in any Ward in respect of the Property occupied by any Copartnership therein, which Vote may be given by any One of the Partners entitled to subscribe the Company Firm; and any One Partner of any Copartnership possessing such Property of the annual Value aforesaid may be elected a General or Resident Commissioner in respect of such Property.

Members of Copartnership qualified to vote and be elected.

XIII. And be it enacted, That no Person shall be eligible as a General or Resident Commissioner, or entitled to vote in the Election of General or Resident Commissioners, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding such Election on the Ground of Inability to pay the Assessment, or who shall be at the Time of the Election in arrear for any Part of the said Year or any previous Year's Assessment, whether such Arrears shall be due by himself, or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Relief or Arrear.

No Persons in Arrear of Assessment to be entitled to vote or to be elected.

XIV. And be it enacted, That the First Election under this Act shall take place on the last *Monday* of *November* in the present Year One thousand eight hundred and forty-eight, when One General and Two Resident Commissioners shall be elected for each Ward, who shall come into Office on the First *Monday* thereafter, and remain in Office till the First *Monday* of *December* One thousand eight hundred and forty-nine, when they shall go out of Office, and their Places shall be supplied by One General and Two Resident Commissioners for each Ward, to be elected on the last *Monday* of *November* One thousand eight hundred and forty-nine; and on the last *Monday* of *November* annually thereafter there shall be an Election of One General and Two Resident Commissioners for each Ward, who shall enter upon Office on the First *Monday* thereafter, and continue in Office till the First *Monday* of *December* following: Provided always, that from and after the passing of this Act, and until the General and Resident Commissioners first elected under this Act shall come into Office, the General and Resident Commissioners elected in virtue of the said recited Acts of the Second and Seventh Years of the Reign of His late Majesty, and in Office at the passing of this Act, shall and they are hereby authorized and empowered to carry the Provisions of this Act into execution as validly in all respects as if they had been elected Commissioners in virtue of this Act.

Annual Election of Commissioners.

XV. And be it enacted, That the Election of the General and Resident Commissioners for the Year commencing on the First *Monday* of *December* in the present Year One thousand eight hundred and forty-eight shall be made as follows; *videlicet*, the Clerk to the Commissioners under the said recited Acts of the Third and Seventh Years of the Reign of His Majesty King *George* the Fourth and of the Second and Seventh Years of the Reign of His late Majesty shall prepare a Book for each Ward in the Form of Schedule (A.) hereunto annexed, or in some similar Form, and shall direct a

First Election of Commissioners.

[Local.]

15 M

Clerk

Clerk to attend at some convenient Place in each Ward on the last *Monday* of *November* in the present Year; and the Electors in each Ward intending to vote in the Election of General and Resident Commissioners shall appear personally at the said Places; and the Names of the Persons voted for as General and Resident Commissioners respectively, and the Situation of the Premises qualifying such Persons for Election, and likewise the Names of such Electors, and the Situation of the Premises qualifying them to vote, shall be inscribed in the said Books by the Voters respectively, or by the Clerks attending the said Elections, and subscribed by each Voter; and at the Expiration of the Period herein-after fixed within which such Elections shall take place the Clerks appointed to attend the same shall deliver the said Books to the said Clerk to the Commissioners, who shall make up and enter in each of the said Books a State of the Votes in the Ward, and shall affix on the Door of the Police Office, on the First *Monday* of *December*, the Names of the Persons who have the Majority of Votes, and who shall be held to be elected as General and Resident Commissioners respectively; and the said Books in which the Names and Votes are inserted in manner above directed shall remain open and patent for the Inspection of all concerned, at the Police Office, until the *Saturday* thereafter, at Twelve of the Clock Noon.

Future
Elections
of Commis-
sioners.

XVI. And be it enacted, That the Elections of the General and Resident Commissioners for the Year commencing on the First *Monday* of *December* One thousand eight hundred and forty-nine, and for each Year thereafter during the Continuance of this Act, shall be made and brought to a Conclusion in the same Manner in all respects as is before provided with regard to the Elections for General and Resident Commissioners for the Year commencing on the First *Monday* of *December* in the present Year, the Clerk to the Commissioners under this Act officiating in the Manner above mentioned.

Election of
Commis-
sioners to
conclude in
One Day.

XVII. And be it enacted, That the Election of General and Resident Commissioners shall commence at Nine o'Clock in the Morning of the Day on which the Election is to take place, and shall continue until Eleven o'Clock of the said Day, after which no new Candidate shall be voted for; and if at such last-mentioned Hour the Name of not more than One Person shall be inscribed in the Book directed to be kept as aforesaid for the Office of General Commissioner, and the Names of not more than Two Persons shall be inscribed for the Office of Resident Commissioners in each Ward respectively, the Election in such Cases shall be declared at an end, and no Votes shall thereafter be received; but if the Names of more than One Person shall be inscribed for the Office of General Commissioner, and of more than Two Persons for the Office of Resident Commissioner, in each Ward respectively, then the said Book shall remain open until Four o'Clock of the said Day, after which no Votes shall be received (except those of such Electors as may at that Hour be within the Polling Place waiting to tender their Votes), and the Election shall be declared at an end: Provided always, that it shall be in the Power of all the Persons voted for, by a Writing under
their

their Hands, to terminate the Polling at any Time of the Day after Eleven o'Clock they may think proper.

XVIII. And be it enacted, That not less than Six nor more than Twelve Days before the last *Monday of November* in the present Year the Clerk to the General Commissioners under the said recited Acts of the Third and Seventh Years of the Reign of His Majesty King *George* the Fourth and of the Second and Seventh Years of the Reign of His late Majesty shall cause Intimation to be made by Advertisement, once in at least Three of the Newspapers published in *Edinburgh*, and in such other Manner as the General Commissioners under the said recited Acts shall deem proper, of the Days and Places of Election; and not less than Six nor more than Twelve Days before the last *Monday of November* in the Year One thousand eight hundred and forty-nine, and in each succeeding Year during the Continuance of this Act, the Clerk to the Commissioners under this Act shall cause a similar Intimation to be made by the like Advertisement.

Day of Election, &c. to be advertised.

XIX. And be it enacted, That in case any Person shall at any Time obstruct, hinder, or molest any Elector in giving his Vote, or shall molest, obstruct, or prevent the Clerk acting at any Election from performing the Duty intrusted to him in Terms of this Act, every Person so offending shall, upon Conviction before the Judge officiating in the Police Court, be liable to a Penalty of Twenty Shillings for each Offence; and in case any Person not qualified to vote as herein-before provided shall nevertheless vote or attempt to vote at any Election under this Act, every Person so offending shall, upon Conviction as aforesaid, be liable to a Penalty not exceeding Forty Shillings and not less than Ten Shillings for each Offence.

Penalty for obstructing Voters, and on unqualified Persons voting.

XX. And be it enacted, That it shall be competent to any Person who considers that he ought to have been returned as a General or Resident Commissioner to complain against the Clerk's Return, provided the Complaint be made by Petition to the Commissioners, signed by the Party complaining or by some Person on his Behalf, and lodged with their Clerk at or before Eleven o'Clock of the Forenoon on the Second *Monday of December* in the Year One thousand eight hundred and forty-eight, or in any future Year; and on such Petition being presented the Commissioners shall remit to a Committee of Five of their Number to inquire into the Merits of such disputed Election, and report thereon to a subsequent Meeting of the Commissioners, and the Determination of the Commissioners on such Report shall be final and conclusive; and in case there shall be an Equality of Votes at any of the said Elections the same shall be entered by the Clerk in his State of the Votes of such Election, and reported by him to the Commissioners at their Meeting to be held on the Second *Monday of December* annually; and if no Scrutiny is demanded, or if upon a Scrutiny the said Committee shall still report an Equality of Votes, and such Report shall be approved of by the Commissioners, they shall determine by Vote which of the Candidates shall be preferred; and if, after any Scrutiny whatsoever, the Commissioners shall find such Equality,

Scrutiny may be demanded.

Equality, they are hereby authorized finally to determine which of the Candidates shall be preferred: Provided always, that no Election or Appointment under this Act shall be quashed or set aside on Account of any Misnomer, Omission, or other Informality, if the Intention of the Party voting, acting, or otherwise concerned be discoverable, and that the Provisions of this Act shall receive the most liberal Interpretation in favour of such Intention.

Complaint
competent
against other
Disqualifi-
cations.

XXI. And be it enacted, That it shall be competent to any Elector at any Time to complain by Petition as aforesaid against any General or Resident Commissioner who shall continue to act as such after he has become disqualified in Terms of this Act; and the Commissioners, if the Disqualification be disputed, shall remit to a Committee of Five of their Number to investigate the Merits of such Petition, and finally dispose of the same upon the Report of such Committee: Provided always, that no General Commissioner shall vacate his Appointment from any Change of Residence, Premises, or other Disqualification within the Ward for which he has been elected, or by Removal from such Ward, provided he has removed to any other Ward and is possessed therein of the Qualification of a General Commissioner under this Act.

Any Person
elected for
more than
One Ward
to choose
the Ward
in which he
is to act.

XXII. And be it enacted, That in the event of any Person being elected a General Commissioner for more than One Ward he shall act for One Ward only; but he shall be entitled to make choice of the Ward in which he shall act by signifying such Choice to the Clerk to the Commissioners within Eight Days after his being so elected, and failing of his doing so the Commissioners shall declare the Ward for which he shall act; and when the Office of a General or Resident Commissioner of any of the said Wards shall become vacant by his becoming an *ex-officio* Commissioner, or by Death, Resignation, Nonacceptance, Disqualification, or in any other Way, the Clerk shall, at the First General Meeting of the Commissioners after Occurrence of such Vacancy, or after the same shall become known to him, report such Vacancy, that a Day may be fixed for the Election of a new Commissioner to supply the said Vacancy, and shall intimate such Election by Advertisement, and the Election shall proceed in all respects as in manner herein provided in the Case of annual Elections, and on the *Monday* following next after such Election the Clerk shall affix on the Door of the Police Office the Name of the Person elected; and it shall be competent to any Person who considers that he ought to have been returned as General or Resident Commissioner at any such Election to complain, and for the Commissioners to proceed in regard to such Election in manner herein-before directed in the Case of Complaint against the Election of a Commissioner at the annual Elections as aforesaid: Provided always, that such Petition and Complaint shall be lodged with the Clerk at or before Eleven o'Clock of the Forenoon of the Day of the First General Meeting of Commissioners after such Election.

As to
Electors
refusing

XXIII. And be it enacted, That in case the Electors of any of the said Wards shall refuse or neglect to elect a General Commissioner or Resident

Resident Commissioners for the same, upon any Day appointed under the Authority of this Act for electing such Commissioners, then and in such Cases it shall be lawful for the Commissioners to nominate and appoint General or Resident Commissioners, qualified in manner before directed, for the Wards for which Elections shall not have been made, and such General or Resident Commissioners when so nominated and appointed shall have and enjoy the same Powers and Privileges and shall remain the same Time in Office as if they had been duly elected by the Electors in such Wards.

or neglecting to elect Commissioners.

XXIV. And be it enacted, That no General or Resident Commissioner under this Act shall be entitled to contract with the Commissioners for any Goods or Furnishings to be made or supplied or for Work to be done to or for the Commissioners, or be concerned directly or indirectly in any Contract with or participate in any Manner in the Profits of any Work to be done for or Furnishings to be made to the Commissioners; and in case of contravention he shall not only forfeit and pay the Sum of One hundred Pounds Sterling for each Offence, to any Person who shall sue for the same, to be recovered before the Court of Session or the Sheriff of the County of *Edinburgh*, but he shall also cease to be a Commissioner, and the Vacancy thereby created shall be filled up in manner herein-before provided in regard to occasional Vacancies occurring by Death or otherwise; and all Contracts made in contravention hereof shall be void and null.

Commissioners not to be concerned in any Contract.

XXV. And be it enacted, That the Commissioners shall be cited to attend all Meetings, both special and statutory, such Citation being delivered personally or left at their Dwelling Houses or Shops, by written or printed Summonses issued by the Clerk at least Twenty-four Hours before the Time of Meeting; and the Lord Provost, or in his Absence the Sheriff, or in the event of both being absent then such One of the Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the Commissioners, and shall have both a deliberative and in case of Equality a casting Vote in all Matters and Questions which shall come before the Meeting: Provided always, that Ten of the Commissioners must be present at all Meetings to constitute a Quorum.

Commissioners to be summoned to attend Meetings.

Quorum.

XXVI. And be it enacted, That the Commissioners shall hold their First General Meeting within the Police Office in the City of *Edinburgh* on the Second *Monday* of *December* in the present Year One thousand eight hundred and forty-eight at Twelve o'Clock Noon, and in each Year thereafter General Meetings of the Commissioners shall be held upon the Second *Monday* of the Months of *January*, *March*, *July*, *August*, *October*, and *December*, at Twelve o'Clock Noon, for putting this Act and the Powers hereby committed to the Commissioners in execution.

General Meetings of Commissioners.

XXVII. And be it enacted, That the Lord Provost or the Sheriff, or in their Absence the Clerk, on Requisition being made stating the Object of the intended Meeting, under the Hands of any Four of the Commissioners, shall appoint Special Meetings of the Commissioners to be called within Forty-eight Hours and held within Four

Special Meetings.

[Local.]

15 N

Days

Days after such Requisition, and cause the whole Commissioners to be summoned to attend such Meetings in manner aforesaid, by printed or written Summonses containing a Copy of such Requisition; and it shall be in the Power of the Lord Provost or Sheriff to appoint Special Meetings of the Commissioners to be held at such Times and Places within the said City as may to them or either of them seem necessary and expedient for the Purposes of this Act: Provided always, that no Rules, Regulations, Orders, or Bye Laws shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules, Regulations, Orders, or Bye Laws which may have been made and framed at any of the General Meetings hereby appointed to be held.

Meetings
may be
adjourned.

Committees
may be
appointed.

XXVIII. And be it enacted, That the Commissioners, or the Majority of them present at any Meeting, may adjourn the same to any other Day, Hour, and Place within the Limits of this Act; and the Commissioners present at any Meeting may appoint Committees of their own Number for carrying the Purposes of this Act or any Part thereof into execution, and for that end may delegate to such Committees such of the Powers hereby committed to them as they may deem expedient.

Books of
Proceedings
to be kept,
and be open
to Inspec-
tion.

XXIX. And be it enacted, That the Commissioners shall cause to be provided and kept a proper Minute Book, and cause regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, of the Amount of the Salaries and Emoluments paid or ordered to be paid to every Person employed for the Purposes of this Act, and of the Names of all the Commissioners present at their several Meetings; and all the Minutes and Entries in such Book, being signed by the Preses of each Meeting respectively, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Actions, Suits, Prosecutions, and Proceedings touching or concerning anything done in pursuance of this Act; and such Book shall at all reasonable Times be open to the Inspection of the General and Resident Commissioners, and of all Persons rated or assessed for the Purposes of this Act, and of the Creditors on the Assessments hereby granted and made payable; and any of such General and Resident Commissioners, Rate-payers, and Creditors may have and take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

Property
held under
recited Acts
vested in
the Com-
missioners.

XXX. And be it enacted, That all Property, heritable and moveable, vested by the said recited Acts or any of them and remaining vested in the Commissioners thereby appointed, shall be and the same is hereby vested in the General Commissioners to be elected in virtue of this Act, without the Necessity of any Transference or Conveyance thereof in their Favour; and the whole Rates assessed and Monies levied in virtue of the said recited Acts of the Third and Seventh Years of the Reign of His Majesty King *George* the Fourth and Second and Seventh Years of the Reign of His late Majesty, and all Arrears of the same, shall be and the same are hereby made payable to and vested in
the

the said General Commissioners, and the Appointment of all Persons by the Commissioners under the said recited Acts, and all Bonds of Caution or other Documents granted by and for them, shall remain valid without the Necessity of any new Appointment or Bonds or other Documents, but subject to the whole Powers of Dismissal and other Powers hereby vested in the General Commissioners under this Act: Provided always, that all Debts contracted, and all lawful Contracts entered into and Obligations come under by or incumbent on or exigible from the Commissioners under the said recited Acts of the Third and Seventh Years of the Reign of His Majesty King George the Fourth and Second and Seventh Years of the Reign of His late Majesty shall remain valid and binding upon the Commissioners under this Act, and be chargeable upon the Rates and Assessments herein-after authorized to be levied.

XXXI. And be it enacted, That if the Commissioners in carrying the Provisions of this Act into execution shall take possession of any of the Lamp Posts, Globes, Gas Fittings, and other Articles which have been erected in any District at the Expense of the Proprietors and others therein, the Commissioners are hereby authorized and required to make Compensation to the Owners thereof; and if any Difference of opinion shall arise as to the Value of such Articles it shall be referred to the Sheriff, whose Decision shall be final, and not subject to Review in any Court or by any Process whatsoever.

Commis-
sioners to
make Com-
pensation for
certain
Articles
taken pos-
session of
by them.

XXXII. And be it enacted, That the whole Dung, Soil, Dirt, Ashes, and Filth within the Limits of this Act (excepting the Fulzie of the Castle of *Edinburgh* and any other of Her Majesty's Barracks, the Refuse of any Slaughter-house to be erected by and under the Authority of the Magistrates and Town Council of the City of *Edinburgh*, and Horse and Cow Dung,) shall belong to and be the Property of the Commissioners; and it shall be lawful for them to erect and construct Tanks and Cesspools within the said Limits for collecting liquid Manure, provided the same does not interrupt the Course or receive the Contents of any Sewers or Drains, and to purchase Ground for that Purpose, and to sell and dispose of as public Property the said Dung, Soil, Dirt, Ashes, and Filth, to such Person or Persons as may be willing to purchase the same, by Contract or otherwise, in such Manner as the Commissioners shall think fit, and the Money thence arising shall form Part of the Funds to be applied for the Purposes of this Act.

Ashes and
Dung within
the Limits
of this Act
to belong to
the Com-
missioners.

Tanks, &c.
to be
erected.

XXXIII. And be it enacted, That the Titles of all Heritable Property to be acquired for the Purposes of this Act shall be conceived and taken in favour of the Clerk of the Commissioners for the Time being, and his Successors in Office; and such Titles shall be sufficient for vesting the Property so acquired in the Commissioners and their Successors in Office; and all Contracts, Agreements, Conveyances, or other Deeds or Writings constituting such Titles may be made according to the Form of Schedule (B.) hereunto annexed; and such Deeds or Writings, being registered in the Register of Sasines for the Burgh or County respectively in which the Property conveyed shall be situated, and which the respective

Conveyances
of Heritable
Property to
be taken in
Name of the
Clerk to the
Commis-
sioners.

Keepers

Keepers of such Registers are hereby authorized and required to register therein, shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if a formal Disposition or Conveyance thereof had been executed, followed by Sasine recorded according to the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

Actions not
to abate.

XXXIV. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatever commenced by or against the Commissioners acting in the Execution of the said recited Acts or any of them, previous to the passing of this Act, shall abate, cease, be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Commissioners under this Act, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners under the said recited Acts or any of them if this Act had not been passed; and that all Persons who before the passing of this Act have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of the said recited Acts or any of them, so far as the same are hereby repealed, may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed, the Commissioners under this Act being in reference to the Matters aforesaid in all respects substituted in place of the Commissioners under the said recited Acts.

Officers
acting under
recited Act
to continue
until re-
moved.

XXXV. And be it enacted, That the Superintendent, Inspectors, Treasurer, Collector, Clerk, Accountant, Surveyor, Surgeon, Law Agent, and other Officers appointed by virtue of or acting under the Authority of the said recited Acts or any of them shall hold and enjoy their respective Offices and Employments, and shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall account for their respective Intrusions and Conduct in the same Manner, and be subject and liable to the like Power of Removal, and to the like Rules and Regulations, and Pains and Penalties, in all respects as if they had been appointed by virtue of this Act.

Powers and
Duties of
Commis-
sioners;

to appoint
and dismiss
Officers;

XXXVI. And be it enacted, That it shall be the Duty of the Commissioners and they are hereby authorized and empowered, either by themselves, or by Committees or Sub-committees of their Number, duly authorized by them, to carry into execution the whole Provisions of this Act, except where the contrary is herein specially provided; to appoint and employ Treasurers, Collectors, Clerks, Accountants, Surveyors, Law Agents, Surgeons, Billet Masters, Inspectors of Lighting and Cleansing, Inspectors of Markets, Superintendents of Streets and Buildings, Superintendents of Fire Engines, and generally all other Persons and Officers whom it may be necessary to employ in the Execution of this Act, and whose Appointment is not herein otherwise provided for, and to remove or suspend them at pleasure; to fix, increase, or diminish the Number of Lieutenants, Sergeants, criminal and other Officers, Con-
stables,

stables, Station House Keepers, Turnkeys, Lamplighters, Scavengers, Keepers of Dung Depôts, and all other Officers to be employed in the Execution of this Act; to fix, increase, or diminish and regulate the Salaries and Wages to be paid to all Persons employed in the Execution of this Act, whether appointed by the Commissioners or not; to estimate, assess, levy, raise, and apply, or cause to be estimated, assessed, levied, raised, and applied, the Sums of Money herein-after authorized to be assessed, levied, and borrowed for the Purposes of this Act; to purchase, sell, lease, or exchange Heritable Property for Station Houses, Fire Engine Houses, Dung Depôts, Urinals, and Privies, and for the other Purposes of this Act; to borrow Money, and grant Securities therefor, in manner herein-after authorized; to provide all necessary Implements and take all Measures which the Commissioners or their Inspectors of Cleansing shall deem necessary for watering, sweeping, and cleansing the Streets and Courts and also the Foot Pavements, at such Times and in such Manner as they shall direct, and to enter into Contracts with One or more Contractors for such Purpose, and to sell or dispose of the Sweepings of the Streets in such Manner as they may think fit, the Proceeds of such Sales being always applied to the Purposes of this Act; to make Provision for lighting the Streets and Courts in a Manner which to the Commissioners or their Inspector of Lighting shall appear suitable (including, in as far as they shall deem proper, the Dialplates of the public Clocks), and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas or such other Light as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways or Streets, or upon the Curbstones of the Pavements or Footways, or at the Rails or in the Walls of Buildings, or on the Sides of Streets, upon indemnifying the Owners or Occupiers of such Buildings for any Damage thereby done, the Amount of such Damage, in the event of Difference of Opinion, to be fixed and determined summarily by the Sheriff.

to regulate their Salaries and Wages;

to assess;

to purchase and lease Property;

to borrow Money;

to cleanse Streets, &c.;

to light Streets, &c.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners to make and enact, and from Time to Time to alter, amend, and repeal, Rules, Regulations, Orders, and Bye Laws for all or any of the Purposes following; (that is to say,)

Power to make Bye Laws from Time to Time.

For preventing Nuisances and Annoyances in any Streets or Courts, or near thereto, and for maintaining Cleanliness therein :

For regulating the Inspection of all Places where Horses are killed and Carrion is kept or sold, and keeping the same in a cleanly and proper State, and removing the Filth therefrom, beyond the said Limits, at least once in every Twenty-four Hours, and requiring that all such Places shall be provided by the Occupiers with a sufficient Supply of Water :

For regulating the Manner of keeping Poultry, Swine, Dogs, Donkeys, and other Animals, describing the Situations or Places within the said Limits in which it shall be lawful to keep Swine,

[Local.]

15 O

and

and prohibiting, on Cause shown, the keeping of Swine within the said Limits or Portions thereof:

For regulating the Construction of Ashpits and Dungsteads, and the Prevention of the Formation thereof adjoining or near to any Thoroughfare or other public Place; and the Removal of the Contents of Ashpits, Dungsteads, Drains, Cesspools, Water-closets, and Privies; for preventing foul Water soaking from any House or Building whatsoever, to the Annoyance of the Occupiers of adjoining Property; and for preventing any Ash-pit, Dungstead, Privy, Drain, Ditch, Cesspool, Dunghill, or Manure Heap from being a Nuisance or Annoyance to any Inhabitant, notwithstanding of any Usage or Practice to the contrary:

For regulating the watering, sweeping, and cleansing of Closes, Thoroughfares, Areas, Courts, and Passages; for employing any Process of Disinfection and otherwise promoting the Health of the Inhabitants therein; for shutting up through-going Passages in connexion with common Stairs, upon Cause shown; and for securing Cellars, and preventing them becoming Receptacles of Filth:

For regulating the fencing, lighting, sweeping, and cleansing of common Stairs:

For regulating the fencing, pulling down, clearing out, or securing of all ruinous or unclaimable Heritable Property:

For regulating the keeping of Depôts of Bones, Carrion, Rags, and all such Substances:

For regulating the Registration and keeping of Lodging Houses, and maintaining the same in a clean and wholesome Condition; and for cleansing Houses and Buildings in which contagious Diseases may have appeared, and Houses and Buildings adjoining thereto.

Penalties for
Breach of
Bye Laws.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners to impose and exact such Penalties, Fines, and Forfeitures for the Infringement and Breach of any such Bye Laws as shall seem to them fit and reasonable: Provided always, that no such Penalty shall exceed for any One Offence the Sum of Forty Shillings, and in the Case of a continuing Nuisance the Sum of Five Shillings for every Day during which such Nuisance shall be continued or unremedied.

Bye Laws
before acted
on to be ap-
proved by
the Lord
Advocate.

XXXIX. And be it enacted, That no Bye Law made under the Powers for that Purpose herein contained shall be of Force until the Expiration of Forty Days after a Copy of the same, certified by the Clerk, shall have been sent to the Lord Advocate of *Scotland* for the Time being, for Confirmation, and shall have been inserted Once in Two Newspapers published in the City of *Edinburgh*; and if at any Time within the said Period of Forty Days the Lord Advocate shall disallow the said Bye Law or any Part thereof, such Bye Law, or the Part thereof disallowed, shall not come into operation; and a Copy of such Bye Laws, signed by the Clerk, shall be received as Evidence of such Bye Laws in all Courts of Law and Equity and before all Magistrates and Judges.

XL. And

XL. And be it enacted, That for One Month at least previous to any such Application for Confirmation of any Bye Law a Copy of the proposed Bye Law shall be kept at the principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy, without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of proposed Bye Laws to be open to Inspection.

XLI. And be it enacted, That a printed Copy of such Bye Laws, when confirmed, shall be delivered by the Clerk to the Commissioners to every Person applying for the same, without Charge; and a Copy thereof shall be painted or printed and placed on Boards, which shall be hung upon the Front or upon some conspicuous Part of the principal Office of the Commissioners; and such Boards, with the Bye Laws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open for Inspection, without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication of Bye Laws.

XLII. And be it enacted, That all Actions or Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk, Collector, or Treasurer for the Time being, as the Party, Pursuer or Defender, representing the Commissioners in any such Action or Suit; and no Action or Suit wherein the Commissioners shall be concerned as Pursuers or Defenders, in the Name of their Clerk, Collector, or Treasurer, shall cease or abate by the Death or Removal of any such Clerk, Collector, or Treasurer; but the Clerk, Collector, or Treasurer to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action or Suit.

Commissioners may sue and be sued.

XLIII. And be it enacted, That the Commissioners, at their Meeting to be held on the Second *Monday of August* annually, or at a Meeting to be held for the special Purpose as soon thereafter as may be, shall estimate and fix the Sums of Money necessary to be levied for the then current Year under the several Heads of Watching, Lighting, Cleansing, and Billeting, including Officers Salaries, and all other Expenses required for the Purposes of this Act.

Expenses to be estimated.

XLIV. And be it enacted, That on or before the last *Monday in September* in each Year the Commissioners (being duly summoned by written or printed Billets or Summonses, which shall state that the Meeting is for the Purpose of laying on the Assessment,) shall assess, and are hereby authorized and required to assess, for the Purposes of this Act, all Occupiers of Dwelling Houses, Warehouses, Vaults, Shops, Cellars, Stables, Breweries, Manufactories, Mills, Station Houses, and other Buildings, and all other Yards and Places where Goods and Property are deposited or Business carried on, within the Limits of this Act, (except as herein-after mentioned,) and to levy on Four Fifths of the actual yearly Rent or Value of such Subjects, rented

Assessment for defraying Expenses.

rented or valued at Five Pounds and under Ten Pounds an annual Assessment not exceeding One Shilling for each Pound Sterling of the said Rent or Value, and on Four Fifths of the actual yearly Rent or Value of such Subjects rented or valued at Ten Pounds Sterling and upwards an annual Assessment not exceeding One Shilling and Sixpence for each Pound of the said Rent or Value, and where Two or more Families or Persons shall live together as One Family, and where One Person shall occupy more than One Subject, the Assessment shall be made on Four Fifths of the aggregate actual yearly Rent or Value of the Subjects so occupied, which Assessments (excepting in the Case of temporary Possession herein-after provided for,) shall be calculated from *Whitsunday* to *Whitsunday* yearly, and shall be payable immediately after they shall be imposed, and shall commence at the Term of *Whitsunday* immediately preceding; and if any Person shall be in arrear of Assessment on the First Day of *March* in any Year the Collector is hereby authorized and required to collect One Penny *per* Pound on the assessed Rental, in addition to the Amount of the respective Assessments then due, by way of Penalty for Neglect or Failure in Payment.

Fractional
Parts not
to be com-
puted in As-
sessments.

XLV. And be it enacted, That in computing the yearly Rents or Values according to which the Assessments shall be levied under the Provisions of this Act there shall in no Case be entered in the Rentals any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and where such fractional Part shall amount to or exceed Ten Shillings the same shall be taken, computed, and entered as One Pound of such assessable yearly Rent or Value, in addition to the Number of Pounds of such assessable yearly Rent or Value, and shall be rated and assessed accordingly.

Assessment
for complet-
ing Police
Premises.

XLVI. And be it enacted, That in order to defray the Expenses attending the completing, fitting-up, and furnishing of the Police Buildings at present in the Course of Erection it shall be lawful for the Commissioners specially to assess the Occupiers of all Subjects liable in Assessment for the general Purposes of this Act in any Sum yearly not exceeding Two-pence in the Pound on the yearly Rent or Value of such Subjects, over and above the Assessments for the other Purposes of this Act, and such special Assessment shall continue for a Period of Ten successive Years after the passing of this Act; and in the event of the Commissioners not realising out of such special Assessment Funds sufficient to defray the Expense of completing, fitting-up, and furnishing the said Police Buildings, and any Interest that may accrue thereon, it shall be lawful for the Commissioners to assess the Occupiers of all Subjects liable in Assessment for the general Purposes of this Act as aforesaid in any Sum yearly not exceeding One Penny in the Pound on the yearly Rent or Value of such Subjects, until the Commissioners shall thereby realise Funds sufficient to defray the said Expense, and Interest thereon.

Proprietors
liable in
Assessment
for tem-

XLVII. And be it enacted, That all Owners, Lessees, and others, who shall let, for Rent or Hire, Premises within the said Limits, liable to be assessed under this Act, to travelling Merchants, Auctioneers, Hawkers,

Hawkers, Pedlars, or other Occupiers, for a Period less than One Year, shall themselves, as well as such Occupiers, be liable for a proportional Part of the Assessments corresponding to the Period of such temporary Occupation; and such Assessments may be made and recovered from the said Owners, Lessees, and others, or from the said Occupiers, at such Terms and in such Manner as the Commissioners, or a Committee of their Number, shall judge expedient; reserving to all concerned their Rights of Relief against each other, according to Law.

XLVIII. And be it enacted, That in order to ascertain the yearly Rents or yearly Value of all Dwelling Houses and other Subjects liable to be assessed under this Act, the Commissioners may direct the Surveyor to be appointed by them to survey and report upon the yearly Rents or yearly Value of all such Subjects, or to call on the Occupiers of such Subjects to make Returns to such Surveyor of the yearly Rents or yearly Value thereof, according to such Schedule or other Mode as the Commissioners shall prescribe, and in default of such Returns being made to survey and report upon the yearly Rents or yearly Value of all such Subjects; and to enable the said Surveyor to make such Reports it shall be lawful for him and he is hereby authorized and empowered to enter and make a full Inspection of all Subjects herein-before described; or the Commissioners may require the Surveyors or Assessors appointed or to be appointed to make Surveys or Assessments for the Purpose of collecting any of the Taxes payable to Her Majesty or Her Successors to furnish certified Copies of the Rent Rolls or Valuations made by them of all such Subjects; and the said Surveyors and Assessors are hereby authorized and required to furnish such certified Copies, upon receiving Payment for the same at the Rate of Sixpence for every Seventy-two Words; from which Returns made by Occupiers, or Reports made by their own Surveyor, or certified Copies furnished by the Surveyors or Assessors of Public Taxes, the Commissioners shall annually make up or cause to be made up a Rent Roll of the yearly Rent or yearly Value of the whole Subjects liable to be assessed, according to which Rent Roll the said Assessments shall be made and levied: Provided always, that when any other Mode of ascertaining the yearly Rent or yearly Value of Subjects liable to be assessed shall be adopted than the Copies of Rent Rolls made for the Purpose of assessing and collecting Taxes payable to Her Majesty or Her Successors, the yearly Rent or yearly Value of all Subjects liable to be assessed in any Ward shall be ascertained in one and the same Manner.

XLIX. And be it enacted, That any Occupier of any Subjects within the Limits of this Act who shall refuse to allow the Surveyor appointed by the Commissioners Access to any such Subjects, or shall refuse to allow him to inspect the same, so as to enable him to report as aforesaid, shall, upon Conviction before the Judge officiating in the Police Court, be liable to a Penalty not exceeding Five Pounds.

Penalty in default of Owner furnishing Name of Occupier when required.

L. And be it enacted, That if any Surveyor appointed by the Commissioners cannot readily ascertain the Name of the Occupier of Subjects liable to Assessment, he may call on the Owner of such Subjects to specify in writing who is the Occupier; and in default of such Owner making such Specification within Seven Days thereafter such Owner shall be liable to be assessed for that Year for such Subjects, with Recourse at Law against the actual Occupier.

Penalty on Owner furnishing false Certificate of Rent.

LI. And be it enacted, That if any such Owner shall make any Return or grant any Certificate certifying the yearly Rent of the Subjects therein mentioned to be less than the actual Rent paid or to be paid by the Occupier thereof, or shall wilfully omit to specify in such Certificate any Equivalent given to or for him by such Occupier in lieu of the Rent or any Portion thereof, such Owner shall, upon Conviction before the Judge officiating in the Police Court, be liable to a Penalty not exceeding Five Pounds.

Notice of Assessment to be given.

LII. And be it enacted, That within Fourteen Days after the said Rent Roll shall be made up a printed Notice shall be left at the Dwelling House or other Subjects of every Person to be assessed for the Purposes of this Act, specifying the Amount of the yearly Rent or Value upon which such Assessment is to be made; and if any Person shall think himself aggrieved by such Assessment it shall be competent to him, within Fourteen Days next after such Notice shall have been left, to apply for Relief to the Surveyor appointed by the Commissioners, and in case of the Surveyor refusing to grant the Relief asked it shall be competent to such Person to apply for Redress to the Commissioners, which Application must be lodged in the Office of the Surveyor within Thirty Days next after such Notice shall have been left as aforesaid; and in the event of such Person being dissatisfied with the Determination of the Commissioners it shall be competent to him to appeal therefrom, within Eight Days after such Decision, to the Commissioners of Supply of the said City, if the Subjects are within the Royalty or extended Royalty thereof, or to the Commissioners of Supply of the County of *Edinburgh*, if the Subjects are beyond the Limits of the said extended Royalty, Notice in Writing being always given to the Collector of the Assessment before lodging such Appeal; and such Commissioners of Supply respectively are hereby authorized and required to take cognizance thereof, and to hear and determine the Matter of such Appeal, and their Determination in regard thereto shall be final and conclusive.

Appeal.

Possessors to pay Assessments.

LIII. And be it enacted, That the said Assessments shall be levied from the actual Possessors, whether Owners or Occupiers, of the Subjects before specified; but in the Case of Houses, Shops, or other Subjects let for a Period less than One Year, the Person by whom the Assessment shall be paid shall be entitled to deduct the Amount thereof from the Rent payable to the Person by whom the said House, Shop, or other Subjects shall be so let, who, as well as the Occupier, shall be liable for such Assessment, and from either of whom the same may be levied in case of the Removal or Default of the first Possessor of any such House, Shop, or other Subject.

LIV. And

LIV. And be it enacted, That in order to prevent the Assessments under this Act being evaded, the Occupier of any Subject liable to be assessed under this Act shall be liable for the Assessment applicable to the Premises occupied by him, notwithstanding of any Misnomer that may occur from Mistake or otherwise: Provided always, that Notice of such Assessment shall have been duly given to such Occupier as aforesaid.

As to
Evasion of
Assessment.

LV. And be it enacted, That if any Person assessed as aforesaid shall refuse or neglect to pay the Assessments charged upon him for the Space of Twenty-one Days after such Assessments shall be due, and demanded by the said Collector thereof, such Demand being made by a written or printed Notice in the Form of Schedule (C.) hereunto annexed, to be left at the Dwelling House, Place of Abode, Shop, or other Place of Business of such Person, it shall be lawful for the said Collector to apply to the Sheriff for a Warrant to Messengers at Arms or Officers of Court to enter the House or Shop, and to seize and take possession of the Goods and Effects of the Person so refusing or neglecting to make Payment as aforesaid; and it shall be competent to the Sheriff and he is hereby authorized and required to grant such Warrant, upon a Certificate signed by the Collector of such Demand having been made, and of such Person being in arrears to the Amount stated in the Certificate; and such Warrant shall specify the Amount of the Assessment in arrear, and of the Costs incurred in applying for and taking out the same; and if such Assessments shall not be paid, together with the Costs or Charges incurred upon Presentment of the said Warrant to such Person or at his Dwelling House or Shop, the Collector is hereby authorized to cause a Messenger at Arms or other Officer to seize and take possession of so much of the Goods and Effects of such Person as shall appear sufficient for satisfying by the Sale thereof the Assessments due by him, with the Costs specified in the said Warrant, and the further Costs or Charges incurred or to be incurred in carrying the Warrant into execution; and if such Assessment shall not be paid within Three Days after Seizure is made, together with the Costs and Charges, then the Collector is hereby authorized to sell the Goods and Effects so seized by Public Roup at the *Market Cross of Edinburgh*, returning the Surplus of the Price, if any, after Payment of the Assessments and Costs or Charges, to the Owner of the said Goods and Effects; and the Collector shall be bound to preserve the Warrants of such Seizure and Sale, and enter in a Book to be kept for the Purpose the Name of the Party proceeded against, the Assessments due, the Expense of the Proceedings, and the true Proceeds of the Sale; which Book shall be open to the Inspection (without any Fee) of all Parties interested for One Year after the Date of each such Sale; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to the Sheriff of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaint being made in the Form of Petition (subscribed by the Complainer), One Petition only being allowed in each Case, and the Decision of the Sheriff in reference to such Petition shall be final, and not subject to Review in any Court or by any Process whatsoever; or the Collector
may

Recovery
of Assess-
ments.

may sue for and otherwise recover the said Assessments according to Law; and no Misnomer, Mistake, or Informality committed in any of such Proceedings shall prejudice the Recovery of the said Assessments and Expenses, nor shall such Proceedings fall, lapse, cease, or abate by the Death or Removal of the Collector instituting the same, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue nor for any Court of Law to entertain any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any such Warrant, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment of the said Assessments under the Provisions of this Act; and provided also, that nothing herein contained shall prevent the Collector from suing for and otherwise recovering the said Assessments according to Law.

Certain Premises not to be assessed.

6 & 7 Vict. c. 36.

LVI. And be it enacted, That the Commissioners shall not assess for the Purposes of this Act any Dwelling House or other Premises the aggregate actual Rent or Value of which, and of any other Building within the Limits of this Act occupied by the same Person, shall be under Five Pounds *per Annum*, nor any Garden or Ground lying within the said Limits, nor any Dwelling House or other Premises which shall be unoccupied and unfurnished for the whole Year from one Term of *Whitsunday* to another Term of *Whitsunday*, nor any Building which is solely occupied for the Purposes of Public Charity, nor any Place occupied exclusively for Public Worship, nor any Building occupied by Scientific or Literary Societies which shall have been or may be exempted from Rates in Terms of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies*, nor the Royal Palace of *Holyrood*, nor Houses or Buildings in the Castle of *Edinburgh*, nor *Queensberry House, Canongate*, when occupied as an Hospital or as a Barrack for Her Majesty's Troops, nor the Courts of Justice, General Register House, City Chambers, County Buildings, Prison of *Edinburgh*, nor the public Markets, nor the University of *Edinburgh* and the Buildings connected therewith, except those Parts which are used as Dwelling Houses, nor the Free Church College and the Buildings connected therewith, except those Parts which are used as Dwelling Houses, nor the Buildings in *Queen Street* belonging to the United Presbyterian Church, except those Parts which are used as Dwelling Houses, nor the Museums of the Royal Colleges of Physicians and Surgeons, so long as they respectively shall remain open gratuitously to Persons pursuing the Study or Practice of Medicine, nor the Veterinary College, nor the High School of *Edinburgh*, nor the *Edinburgh Academy*, nor any Sessional, Parochial, or Charity School, nor *Dr. Bell's Schools*, nor the Dwelling House or Schoolroom occupied by any Teacher, the actual annual Rent of which, if forming One Subject, or the aggregate actual annual
Rent

Rent of which, if occupied separately, does not amount to Twenty Pounds: Provided always, that Deduction shall be given of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas* or from *Martinmas* to *Whitsunday* during which any unfurnished Dwelling House or other Premises shall be unoccupied; and that the Commissioners, on Application made to them, shall have the Power of granting a total or partial Relief from the Assessments to any Person, on the Ground of Poverty or Inability to pay.

LVII. And be it enacted, That it shall be lawful to the Commissioners, at their said annual Meeting for imposing the said Assessment, or at any other Meeting to be called and held for the special Purpose, to exempt for a Time or during the Continuance of this Act any Places, Grounds, and Houses within the Limits of this Act from all or any of the Regulations herein established in regard to lighting, cleansing, and watching; which Places, Grounds, and Houses, if so exempted from all such Regulations, shall during the Continuance of such Exemption be free from Payment of any Part of the Assessments by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the Regulations as to lighting, cleansing, and watching, or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessment as shall be fixed and determined by the Commissioners.

Power to exempt certain Places within Limits of Act from Regulations respecting watching, &c.

LVIII. And be it enacted, That the Police Offices, Station Houses, Dwelling Houses, and other Buildings or Grounds within the Limits of this Act connected with the Police Establishment shall be exempted from the Payment of all Cess, Ministers Stipend, Road Money, Poor's Rates, and Police Assessments, imposed or to be imposed.

Police Offices, &c. exempted from Rates.

LIX. And in order to raise the Money which may be necessary for the Purposes of this Act before the Assessments hereby authorized are levied, be it enacted, That it shall be lawful for the Commissioners, or a Majority of those assembled at a Meeting specially called for the Purpose, and at which not less than One Half of their Number shall be present, to authorize their Treasurer or Collector to borrow any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds for the general Purposes of this Act, with Power to such Treasurer or Collector to grant Bills or Bonds or obtain Cash Credits for the same, and for further Security to the Person from whom such Money may be borrowed, to assign to such Person the Assessments hereby authorized to be made and levied until the Sum or Sums so to be borrowed, with Interest thereon, shall be repaid and discharged: Provided always, that if at such Meeting One Half of the Commissioners shall not be present the Commissioners present shall adjourn to another Day, at the Distance of not less than One or more than Two Weeks, of which adjourned Meeting, and the Purpose for which it is to be held, special Notice shall be given by written or printed Billets or Summonses, and also by Advertisements inserted in Three several Newspapers published in the said City of *Edinburgh* not less than Four Days before the Day of Meeting; and, provided a Quorum

Money may be borrowed for general purposes.

of the Commissioners be then present, the said Meeting or a Majority of them shall and may authorize the said Treasurer or Collector to borrow Money in the Manner, to the Extent, and for the Purposes before mentioned.

Money may be borrowed for completing Police Premises.

LX. And in order to raise the Money which may be required for completing and furnishing the Police Buildings now in the course of Erection before the Assessments hereby authorized are levied, be it enacted, That it shall be lawful for the Commissioners, or the Majority of those assembled at a Meeting specially called for the Purpose, and at which not less than One Half of their Number shall be present, to authorize their Treasurer or Collector to borrow any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, with Power to such Treasurer or Collector to grant Bills or Bonds or obtain Cash Credits for the same, and, for further Security to the Person from whom such Money may be borrowed, to assign to such Person the Assessments hereby authorized to be made and levied, until the Sum or Sums so to be borrowed, with Interest thereon, shall be repaid and discharged: Provided always, that if at such Meeting One Half of the Commissioners shall not be present the Commissioners present shall adjourn to another Day at the Distance of not less than One nor more than Two Weeks, of which adjourned Meeting, and the Purpose for which it is to be held, special Notice shall be given in the written or printed Billets or Summonses calling the same; and, provided a Quorum of the Commissioners shall be present at such adjourned Meeting, it shall be lawful for those present, or a Majority of them, to authorize the Treasurer or Collector to borrow Money to the Amount, in the Manner, and for the Purposes before mentioned.

Bonds to be granted.

LXI. And be it enacted, That all Bonds for Monies to be borrowed under the Authority of this Act shall be in the Form and Tenor of Schedule (D.) hereunto annexed, or as near as may be, and shall be subscribed by the Treasurer or Collector, in Presence of Two of the Commissioners as Witnesses to such Subscriptions; and before such Bonds shall be delivered to the Creditors the same shall be recorded in the Sederunt Book of the Commissioners, and Certificates of such Registration shall be indorsed on such Bonds, and signed by the Clerk; and thereafter the Creditor, his Executors and Assignees, shall be entitled to the full Benefit of such Bonds; and such Bonds may be effectually transferred and assigned by Indorsation in the Form and Tenor of Schedule (E.) hereunto annexed.

Commissioners, &c. not to be personally liable.

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

LXIII. And

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

Penalty for misapplying Monies.

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

Application of surplus Monies.

LXV. And be it enacted, That neither the Person who shall hold the Office of Clerk to the Commissioners under this Act, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer or Collector for the Purposes of this Act; and neither the Person who shall be the Treasurer or Collector, nor the Partner of such Treasurer or Collector, nor any Person in the Service or Employ of such Treasurer or Collector or of his Partner, shall be eligible to be the Clerk to the Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer or Collector under this Act, or if any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer or Collector, or shall act as Deputy of the Treasurer or Collector, or in any Manner officiate for the Treasurer or Collector, or if any Person, being the Treasurer or Collector, or the Partner of such Treasurer or Collector, or in the Service or Employ of such Treasurer or Collector or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer or Collector shall hold any Place of Profit or Trust under the Commissioners other than that of Treasurer or Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, before the Court of Session or the Sheriff.

Clerk not to be Collector, and vice versa.

LXVI. And be it enacted, That the Commissioners shall and they are hereby required to take such Security from the Treasurer or Collector to be appointed for the Purposes of this Act, for the due Execution of his Office, and for his faithfully accounting for all Monies received by him in virtue of his Office, as to the Commissioners

Security to be taken from Collector.

missioners shall seem meet; and the Commissioners making such Appointment without taking such Security shall be individually responsible for the Default of the Person so appointed.

On Insol-
vency of Col-
lector, Defi-
ciency may
be assessed.

LXVII. And be it enacted, That in case any Treasurer or Collector appointed by the Commissioners shall become insolvent, and the Sum or Sums chargeable against such Treasurer or Collector shall not be paid by his Sureties, then and in every such Case the Sum deficient shall be assessed for, over and above the other Assessments hereby authorized, in the Manner before prescribed, which additional Assessment shall be payable at such Time as the Commissioners shall appoint, and in case of Failure in Payment the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the Assessments for the general Purposes of this Act.

Collector to
lodge all
Monies re-
ceived by
him in a
Bank in
name of
Commis-
sioners.

LXVIII. And be it enacted, That the Treasurer or Collector shall and he is hereby required to lodge all Money received by him with such Banks or Banking Companies as a Majority of the Commissioners present at their Meeting on the Second *Monday of August* in each Year shall direct, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer or Collector for the Time; and the Treasurer or Collector shall not retain in his own Hands at any One Time a greater Sum than Fifty Pounds; and if any Treasurer or Collector shall act on the contrary he shall be liable for Twenty Pounds *per Centum per Annum* on all Sums exceeding Fifty Pounds remaining in his Hands, in name of Interest and Damages; and the Treasurer or Collector shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the Treasurer or Collector by the Clerk.

Books of
Accounts to
be kept, and
to be open
to Inspec-
tion.

LXIX. And be it enacted, That the Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct Books to be provided and kept by the Treasurer or Collector, in which Books the Treasurer or Collector shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been so paid, laid out, and expended, which Books, with the whole Documents or Vouchers of Charge and Discharge, shall at all reasonable Times be open to the Inspection of the General and Resident Commissioners, and of any Rate-payer or Creditor on the Assessments hereby authorized to be levied, without Fee or Reward; and such Commissioners, Rate-payers, and Creditors, or any of them, shall and may take Copies of or Extracts from the said Books or any Part thereof, without paying for the same; and in case any Treasurer or Collector shall refuse to permit such Commissioners, Rate-payers, or Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Treasurer or Collector shall, upon Conviction before the
the

Penalty on
refusing to
permit In-
spection.

the Judge officiating in the Police Court, be liable to a Penalty not exceeding Five Pounds.

LXX. And be it enacted, That all such Books and Accounts shall be regularly fitted and balanced yearly as on the Fifteenth Day of *May*, and a Balance Sheet for the preceding Year shall be laid before the annual Meeting of the Commissioners on the Second *Monday of July*, from which a Statement of the Payments and Disbursements for the preceding Year shall be made out and printed on or before the Second *Monday of August* annually, and a Copy thereof shall be delivered to each of the General and Resident Commissioners, and shall be lodged in the Council Chamber of the said City, in the Sheriff Clerk's Office, and in the Offices of the Clerk and Treasurer or Collector, where it shall remain for Six Weeks, open to the Inspection of every Person liable to pay any Part of the Assessments by this Act authorized to be levied, without Fee or Reward.

Accounts to be balanced yearly, and a Balance Sheet prepared, which shall be open to Inspection.

LXXI. And be it enacted, That all Treasurers or Collectors, Clerks, and other Officers and Persons employed in the Execution of this Act shall, from Time to Time when required by the Commissioners, deliver to them, or to such other Person as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, showing the whole Monies which they and each of them respectively shall have received to that Time by virtue of this Act, and how much thereof has been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the Commissioners, or to such Person as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the Commissioners, or to such Person as they shall appoint, within Ten Days after being required by the Commissioners, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Magistrates or Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the Commissioners, and such Magistrates and Justices are hereby authorized and required, by Warrant under their Hands, to cause such Officer or Person to be brought before them, and upon his appearing, or in his Absence, upon Proof that such Warrant was personally served upon such Officer or Person, or left at his last known Place of Abode, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, and declare the Balance owing by such Officer or Person; and if upon the Confession of such Officer or Person, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Magistrates and Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced; it

Officers, &c. to deliver Accounts.

shall appear to such Magistrates or Justices that any of the Monies which have been collected or received are in the Hands of such Officer or Person, such Magistrates or Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Officer or Person; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of pouncing and selling the same, or if such Officer or Person shall not appear before the said Magistrates or Justices, unless for some sufficient Excuse alleged, at the Time and Place appointed by them for that Purpose, or if, appearing, he shall refuse or neglect to give and deliver to such Magistrates or Justices Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Magistrates or Justices the several Vouchers and Receipts relating to such Accounts, or the Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Magistrates or Justices may and they are hereby authorized, by Warrant under their Hands, to commit such Officer or Person to the Prison of the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have made and delivered true and perfect Accounts and Payment as aforesaid, or until he shall have compounded and agreed with the Commissioners, and shall have paid such Composition, in such Manner as the Commissioners shall appoint, and which Composition the Commissioners are hereby empowered to make, or until he shall have delivered up such Books and Writings as aforesaid, or made Satisfaction in respect thereof to the Commissioners: Provided always, that no Officer or Person who shall be so committed for Want of sufficient Effects shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Months.

Appoint-
ment of
Superin-
tendent of
Police.

LXXII. And be it enacted, That it shall be lawful for the Lord Provost of the City of *Edinburgh* and the Sheriff of the County of *Edinburgh*, and they are hereby empowered and required, from Time to Time to nominate and appoint a fit Person to be Superintendent of Police, and also to remove such Superintendent at their Pleasure; and in the event of the said Lord Provost and Sheriff differing in Opinion, the Lord Advocate for the Time being shall decide as to such Appointment or Removal.

Salary of
Superin-
tendent of
Police.

LXXIII. And be it enacted, That the Salary to be paid to the Superintendent of Police shall not be less than Three hundred Pounds *per Annum*.

Superinten-
dent to ap-
point subor-
dinate Police
Officers.

LXXIV. And be it enacted, That as often as the Commissioners shall fix the Number of Lieutenants, Sergeants, Constables, and other Officers of Police they shall judge necessary, for guarding, patrolling, and watching within the Limits of this Act, the said Superintendent is hereby authorized and empowered to appoint proper Persons for the above Duty, to direct their Distribution within the different Wards, and to remove them at pleasure; and the said Superintendent,
Lieutenants,

Lieutenants, Sergeants, Constables, and other Officers shall have and exercise all the Powers belonging to Constables by the Law of *Scotland*.

LXXV. And be it enacted, That it shall be the Duty of the said Superintendent, and of the Lieutenants and other Officers to be appointed by him, to guard, patrol, and watch within the Limits of this Act, according to Regulations to be prescribed by the said Superintendent, under the Control of the Commissioners; to apprehend and bring before the Judge officiating in the Police Court all Persons who may be found within the said Limits actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, and Offences of whatever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried in the Police Court, or be of a Nature requiring to be tried before a higher Tribunal; or which, from having been committed beyond the Bounds over which this Act extends, fall to be tried in another Jurisdiction; to carry into full Effect the whole Provisions and Regulations herein contained, and the Rules, Regulations, and Bye Laws which may be made by the Commissioners for the proper guarding, patrolling, and watching within the said Limits; and the said Superintendent, Lieutenants, and other Officers shall at all Times afford their Aid and Assistance to the Magistrates and Dean of Guild of the said City and the Sheriff in all Matters relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the said Limits, and to enforce the Observance of all Regulations made or to be made by the said Magistrates with respect to the public Markets, and the Conduct of Persons resorting to the same; and they shall give Attendance in the Police Court and at the Police Office, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Information or Explanations relating to Matters falling within their several Departments of Duty.

Duties and Powers of Superintendent and Officers of Police.

LXXVI. And be it enacted, That it shall be the Duty of the Inspector of Lighting and Cleansing to be appointed under this Act, as often as the Commissioners shall have fixed the Number of Assistant Inspectors, Scavengers, Lamplighters, Keepers of Depôts, and other Officers and Persons to be employed in his Department, and he is hereby authorized (in order that he may, as far as possible, be responsible for their Conduct,) to appoint, suspend, and dismiss all such Officers and Persons, and in all respects to direct, command, and control them in the Execution of the Duties to be assigned to them in carrying into effect the Purposes of this Act; and it shall be the Duty of the said Inspector to attend to the due Fulfilment of all Contracts made by the Commissioners as to cleansing and lighting the said Streets; to cause to be removed therefrom all Dung, Soil, Dirt, Ashes, and Filth; to take care that the Streets be properly and sufficiently and timeously cleansed by the Scavengers employed under his Charge and Inspection; to take possession of, remove, and sell all Horse and Cow Dung, when the same shall become the
Property

Duties of Inspector of Lighting and Cleansing.

Property of the Commissioners, as herein provided; to inspect Shambles and other Slaughter-houses and Yards where Carrion may be kept or sold, and to take Measures so that they shall always be kept in a cleanly State to his Satisfaction; to enter at all reasonable Hours (which he is hereby authorized and empowered to do) any Dwelling House, Garret, Cellar, Yard, or other Premises in which he has Reason to believe there are Swine, or an Accumulation of Dung, Dirt, Ashes, Filth, Nuisance, or any other Matter or Substance which may affect the Health or Comfort of the Inhabitants; to see that all the Lamps be lighted and kept lighted for the due Time, and maintained in all respects in proper Order; to receive and forthwith communicate to the Commissioners any Complaints or Remonstrances relating to the cleansing or lighting which may be made to him by any of the Resident Commissioners or others, with the Result of his own Inquiries on the Subject; to make Reports to the Commissioners, if required, or when he may consider it requisite, upon the State of the Departments of Cleansing or Lighting; to enforce all the Regulations and Provisions of this Act for the Prevention of Nuisances, and the Improvement of the Health and Comfort and the Diminution of Disease and Mortality of the Inhabitants within the said Limits; and generally to execute all the other Duties imposed on him by this Act, and to obey all the Orders, Instructions, and Regulations which may from Time to Time be made by the Commissioners relative to the Execution of such Duties; and the said Inspector is hereby authorized to require, and it shall be the Duty of the Sergeants, Constables, and other inferior Officers of the Watching Department to report each Morning to the said Inspector, the State of the Lamps during the preceding Night, and any Infringement of the Regulations as to cleansing; and it shall be the Duty of the said Inspectors to report to the Commissioners the Manner in which these Duties shall be performed.

Fire Engines
and Fire
Escapes, &c.
to be pro-
vided by
Commis-
sioners.

LXXVII. And be it enacted, That it shall be lawful to the Commissioners and they are hereby authorized and required to provide and have at all Times a sufficient Establishment of Fire Engines, Pipes, and other Appurtenances to be used for extinguishing Fires, and Fire Escapes and other Implements for Safety or Use in case of Fire, and to take the Charge and Management of the same, and to apply the same for the Use and Benefit of the Inhabitants within the Limits of this Act, and beyond the same, as herein-after provided; and the Superintendent of Fire Engines to be appointed under this Act shall take the Charge of the said Engines, Pipes, and other Appurtenances, and shall appoint such Number of Firemen as the Commissioners shall think fit and expedient for working the same in a proper Manner, and for assisting in extinguishing Fires; and the Commissioners may and are hereby authorized to make such Rules and Regulations for the said Superintendent and Firemen as to them shall seem proper; and the Expense of keeping and maintaining the said Engines, Pipes, and Appurtenances, and paying the said Superintendent and Firemen, in so far as not contributed in the Manner herein-after provided, shall be defrayed from the Assessments levied for the general Purposes of this Act.

LXXVIII. And

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners, or to the said Superintendent of Fire Engines or other Person in charge of such Fire Engines, to permit the same, with the Pipes and other Appurtenances, and also the Firemen, and generally all or any Part of the Fire Establishment, to be sent beyond the Limits of this Act for the Purpose of extinguishing Fire: Provided always, that the Owners and Occupiers of the Property to which such Engines and Appurtenances and Firemen shall be sent shall be bound to defray the whole Expense that may be incurred by the Use of such Engines, Appurtenances, and Firemen, and also such further Sum, not exceeding Twenty-five Pounds *per Centum* upon the gross Amount of such Expense, as may be deemed reasonable for the Tear and Wear of the Engines and Appurtenances, and the ordinary Expenses of supporting the Establishment, the Amount of which Expense shall be ascertained by Accounts thereof signed by the said Superintendent of Fire Engines, and approved of by a Meeting of the Commissioners or of their Committee in that Department, and docketed and subscribed by their Chairman or Convener; and, in case of any Difference between the Commissioners and Parties concerned, the Amount of said Expense, as well as the Propriety of sending the Engines and Firemen as aforesaid (if the Propriety thereof be disputed), the same shall be fixed and determined by the Sheriff, whose Decision shall be final and binding upon all Parties concerned; and the same shall be recovered by a summary Warrant under the Hand of the Sheriff, upon the written or verbal Application of the Clerk or Collector of the Commissioners; the Owners or Occupiers of the Property where the Fire may have occurred, and all other Persons interested, being always entitled to mutual Relief against each other, according to Law, for the Sums so paid by them or any of them from whom the Commissioners may recover or receive the same, and the Commissioners shall have Power to modify such Charges, when they see Cause for so doing.

In case of Fire, Engines may be sent beyond the Limits of the Act.

Owners of Property to pay the whole Expense incurred.

LXXIX. And whereas many of the Police Station Houses have been found defective and inconvenient for the Purposes of the Police Establishment, and proper Fire Engine Houses are necessary for the Fire Engine Establishment, and it is therefore expedient that the Commissioners should have Power to provide proper Station Houses and Fire Engine Houses in different Situations: Be it enacted, That it shall be lawful for the Commissioners to sell or dispose of the existing Station Houses and Fire Engine Houses by public Auction, private Bargain, or otherwise, as shall be deemed most advisable by a Meeting of the Commissioners called for the Purpose; and in order to provide other and additional Station Houses and Fire Engine Houses, it shall be lawful for the Commissioners, if they shall see fit, to contract with Proprietors of Buildings properly adapted, or which may be capable of being adapted to the foresaid Purposes, for the Purchase of such Buildings for Station Houses and Fire Engine Houses; and in case no such Buildings can be found at a suitable Price, the Commissioners are hereby authorized to purchase or feu such convenient Sites as may be fixed on within the Limits of this Act, upon which Buildings for the Purposes aforesaid may be erected; and to contract for the Erection thereof, and for

Provision for Station and Fire Engine Houses.

[Local.]

15 S

fitting-up

fitting-up and furnishing the same, and the Commissioners are hereby empowered to defray the Expense to be incurred in providing, erecting, and maintaining such Station and Fire Engine Houses out of the Assessments to be levied for the general Purposes of this Act.

As to Offences to be judged of in the Police Court, and by Sheriff of County.

LXXX. And be it enacted, That all Offences, Matters, and Things falling under the Provisions of this Act shall be judged of in the Police Court by the Magistrates of *Edinburgh* or any One of them, in so far as concerns Offences committed or Matters arising within the City of *Edinburgh* or Liberties of the same, or by the Sheriff of the County of *Edinburgh*, or his Substitutes, or any One of them, as to all Offences committed or Matters arising within any Part of the Limits of this Act.

Clerk of Commissioners may be Clerk of Court, and Superintendent and Inspector to act as Procurator Fiscal.

LXXXI. And be it enacted, That the Clerk of the Commissioners may be Clerk of the Police Court; and it shall be lawful to him to grant a written Authority to any Person to act for him in the Discharge of his Duties in the Character of a Depute, and such Person shall thereby be invested with all the Powers appertaining to the Office, of Clerk of the Commissioners and of the Police Court; and the said Superintendent of Police, or any of his Lieutenants, or other superior Officer, with his written Authority, shall be entitled to act as Procurator Fiscal in the Police Court in all Cases cognizable by that Court under this Act, or for any Breach of the Rules, Regulations, Orders, and Bye Laws which may be made by the Commissioners, excepting those which relate to lighting, cleansing, and such other Matters as are hereby placed under the Charge of the Inspector of Lighting and Cleansing; and the said Inspector, or other Officer, with his written Authority, shall be entitled to act as Procurator Fiscal in the said Court in all Cases arising out of any Breach of the Provisions of this Act, or of the Rules, Regulations, Orders, and Bye Laws which may be made by the Commissioners as to lighting, cleansing, and all other Matters and Things placed under his Charge.

Procurator Fiscal may be appointed.

LXXXII. And be it enacted, That it shall be lawful to the Commissioners, instead of or in addition to the Superintendent of Police and Inspector of Lighting and Cleansing, to appoint, by Writing, and during Pleasure, a fit Person to be Procurator Fiscal for the Purposes of this Act, at whose Instance, when not otherwise provided, all Prosecutions and Proceedings before the said Police Court may be conducted, and by whom, or any of the Persons herein-before authorized, all Fines and Penalties, Forfeitures under Bail Bonds, or Bonds for keeping the Peace, may be sued for summarily before the said Police Court.

Interim Fiscal.

LXXXIII. And be it enacted, That in the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition, Attendance on the Court of Justiciary or other Courts, or otherwise, the Judge presiding shall have Power and is hereby authorized to appoint a fit Person to perform the Duties of such Procurator Fiscal in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

LXXXIV. And whereas it is expedient that in Cases arising under this Act the Proceedings shall be attended with as little Expense and Delay

Delay as possible: Be it enacted, That all Actions, Prosecutions, and Proceedings before the said Police Court shall commence by a Complaint, written or printed, or partly written and partly printed, at the Instance of one or other of the said Procurators Fiscal, or at the Instance of Persons duly authorized to act for them, in which latter Case such Proceedings, though subscribed by any such Persons, shall be commenced and conducted throughout in Name of the said Procurators Fiscal respectively; and (with the Exception of Complaints against Chain-droppers, Thimblers, loaded Dice-players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, and the Conviction following thereon, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole other Procedure in the said Court shall be conducted summarily *vivâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings of the said Court except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear at the Bar of the said Police Court to answer to any Complaint to plead Want of due Citation or Informality in the Warrant or Execution.

LXXXV. And be it enacted, That the Magistrates and Sheriff, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure for the said Police Court, calculated to despatch the Business thereof in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

Forms of Procedure to be framed.

LXXXVI. And be it enacted, That if it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Limits of this Act, or during his Trial in the said Police Court, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet*,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by House-breaking, or of House-breaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being habit and repute a Common Thief, or by having been Twice previously convicted of Theft, or of Reset of Theft to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime,

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

or

or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been Twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument, where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Bankers Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person in the said Police Court, but the Judge shall commit the Person accused to the Prison of *Edinburgh* for Examination; and the Procurator Fiscal shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County of *Edinburgh*, or, in the event of the Offence charged having been committed within the City of *Edinburgh* or Liberties of the same, to the Procurator Fiscal of the said City, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain-Droppers, Thimblers, loaded Dice-Players, and Offenders of that Description, whom the Judge is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Limitation
of Police
Prosecu-
tions.

LXXXVII. And be it enacted, That no Complaint at the Instance of any private Party, or of the Procurator Fiscal, for any Offence under this Act, shall be received or entertained unless the same be presented within Six Months after the Offence complained of shall have been committed.

Superin-
tendent in
certain Cases
may accept
of Bail or
Deposit.

LXXXVIII. And be it enacted, That upon the Apprehension by the Officers of Police of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Court of Police, it shall be lawful, in the Absence of the Judge, for the said Superintendent of Police, or the superior Officer of Police upon Duty at the Time, to accept of Bail or Deposit that such Person shall appear for Trial before the Judge at some Time and Place to be specified, and all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the said Superintendent or superior Officer, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Articles so deposited: Provided always, that the said Superintendent or superior Officer may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the said Police Court in the usual Form, shall not subject the said Superintendent or other superior Officer to any Claim for Damages, wrongous Imprisonment, or Claim of any other kind whatsoever.

LXXXIX. And

LXXXIX. And be it enacted, That every Person taken into Custody by the Officers of Police, and who shall be detained in Custody, shall be taken before the Judge not later than in the course of the first lawful Day after he shall be so taken into Custody; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Judge, under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the said Prison when remanded, for affording Time to find Bail, or for further Examination, such further Examination always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall, in the Opinion of the Judge, merit a higher and greater Punishment than he can lawfully award, it shall be lawful for him to commit such Offender to the said Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of this Act, falls to be tried in another Jurisdiction, it shall be lawful for the Judge to commit such Offender to the said Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police or Inspector of Lighting and Cleansing forthwith to give Notice of such Commitment to the Procurator Fiscal, or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offenders may be further proceeded with according to Law.

Persons in Custody to be taken before the Judge, who may commit Offender to Prison.

XC. And be it enacted, That this Act shall be a sufficient Authority to the Officers of Police for citing a Party charged with any Offence against the Provisions of this Act, or of any Bye Law made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left within his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps, (if no other Domicile can be found,) or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of the Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith.

Authority to Officers to cite Parties and Witnesses.

XCI. And be it enacted, That Warrants granted by the Judge for apprehending or citing Persons charged with having committed Crimes and Offences within the Limits of this Act, or for citing Witnesses for the Prosecutor or accused Parties, when such Persons or Witnesses are beyond the Limits of this Act, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, without the Necessity of such Warrants being backed or indorsed by any Magistrate other than the Sheriff of the County of *Edinburgh*: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by an Officer of Police acting under the Authority of this Act.

Offenders removing from the Bounds of Police how to be proceeded against.

In certain Cases Offenders may appear by Agent or other Party.

XCII. And be it enacted, That when any accused Person summoned to answer to any Complaint charging an Offence inferring merely the Payment of a pecuniary Penalty, and the finding of Caution, as aforesaid, shall, from Indisposition or other good Cause, fail to attend the said Police Court at the Time and Place to which he shall have been cited, and for whom there shall appear a Procurator, Agent, or other Party duly authorized by the said Person to act for him, it shall be lawful for the Judge, on such Procurator, Agent, or other Party admitting the Charge, or Part thereof, to pronounce Judgment, and fine such accused Party, and to ordain him to find Caution as aforesaid: Provided always, that in every such Case the Sentence shall bear that the Offence complained of, or such Part thereof as was admitted, was proved by the Confession of the Party charged in the Complaint.

Judge may grant Warrant to bring up Offenders and Witnesses from Sanctuary.

XCIII. And be it enacted, That it shall be lawful for the Judge to grant Warrant for bringing from within the Limits of the Sanctuary of *Holyrood House* any Person charged with having committed any Offence within the Limits of this Act, or whose Presence may be required as a Witness in any Matter relating to such Offence; and in case any Person shall be so brought from the Limits of the said Sanctuary, such Person shall be safely reconducted to the said Sanctuary, after satisfying the Purposes for which he may have been brought therefrom, without being liable to be arrested or detained for Debt.

Examination of Witnesses.

XCIV. And be it enacted, That where, from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the accused in such Prosecution are in attendance, it shall be lawful for the Judge, at the Request of the accused Person, and if the Judge in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the accused Person before the Proof for the Prosecution has been led or concluded; but the accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty in case of Witnesses failing to appear.

XCV. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before the Judge, either on the Part of the Prosecutor or the Person accused, shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, the Judge may cause such Person to be apprehended and committed to the Prison of *Edinburgh* until he finds Security to appear and give Evidence; and if such Person shall not be apprehended until after the Case on which he had been summoned to give Evidence has been disposed of by the said Court, and it shall be made to appear that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or be imprisoned for any Period not exceeding Sixty Days: Provided always, that Proof on Oath shall be made that he had been duly summoned at least Twenty-four Hours before the Meeting of the Diet of Court.

XCVI. And

XCVI. And be it enacted, That if any Person summoned as a Witness to give Evidence before the said Court, and appearing, shall refuse to be sworn or examined upon Oath, or, in case of a Quaker, or other Person privileged by Law to be examined upon solemn Affirmation, or after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Judge shall cause such Person to be committed to the Prison of *Edinburgh* for any Period not exceeding Sixty Days.

Penalty in case of Witness refusing to give Evidence.

XCVII. And be it enacted, That if any Person, when under Examination on Oath or solemn Affirmation before the Judge, shall prevaricate, or wilfully conceal the Truth, it shall be lawful to the Judge, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days; and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Affirmation as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Judge to transmit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant to imprison him in the said Prison until disposed of according to Law.

Witnesses prevaricating may be punished summarily.

XCVIII. And be it enacted, That in case any pecuniary Penalty authorized by this Act shall not be immediately paid or consigned in manner after mentioned, it shall be lawful to sentence the Person found liable in the same to be imprisoned in the said Prison till such Penalty be paid; but in no Case shall the Period of Imprisonment exceed Sixty Days.

Persons refusing to pay Fines imposed by this Act may be imprisoned.

XCIX. And be it enacted, That it shall be lawful for the Judge, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds; and in the event of such Person being detained for Want of such Caution, it shall be lawful to sentence the Person ordained to find such Caution to be imprisoned in the said Prison till Caution be found; but in no Case shall the Period of Imprisonment exceed Sixty Days.

Judge may ordain Offender to find Caution in lieu of Imprisonment or Fine;

C. And be it enacted, That in every Case where an accused Party has been sentenced to Imprisonment, or to pay a Fine or pecuniary Penalty, in either of which Sentences the Period of Imprisonment specified does not extend to the Term of Sixty Days, it shall be lawful for the Judge, in addition to such Sentence, to ordain the Offender to find Caution as aforesaid, from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof;

or Caution in addition to Imprisonment or Fine.

thereof; and in case such Caution should not then be found it shall be lawful to sentence the Person ordained to find such Caution to be further detained in the said Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding said Caution, exceed Sixty Days.

Persons
fined
may be de-
tained in
Police Office
for a limited
Period.

CI. And be it enacted, That on Sentence being pronounced awarding a Fine or Penalty in any Prosecution before the Judge, or ordaining Caution to be found for good Behaviour or for keeping the Peace, it shall be lawful to remand or commit the Person against whom such Fine or Penalty shall have been awarded, or who shall have been ordained to find such Caution, to be detained in the Police Office, in order to Payment being made or Caution being found, and in the event of Payment not being made or Caution not being found within Twenty-four Hours after such Sentence shall have been pronounced, to commit such Person to Prison for the Portion of the Period specified in such Sentence then unexpired.

Warrant of
Commit-
ment.

CII. And be it enacted, That in all Cases where Imprisonment takes place under the Powers of this Act, a short Extract of the Charge and Sentence, certified by the Clerk or his Depute, shall be a sufficient Warrant of Commitment.

Juvenile
Male
Offenders
may be chas-
tised by
whipping.

CIII. And be it enacted, That it shall be lawful for the Judge, in the Case of juvenile Male Offenders whose Age, in the Opinion of the Judge, shall not exceed Fourteen Years, instead of committing such Offenders to Prison, to adjudge them to be chastised by private whipping, in such Manner and according to such Regulations as shall be made by the Lord Provost and Sheriff.

Articles
stolen, &c.
may be re-
stored.

CIV. And be it enacted, That it shall be lawful for the Judge to order all Goods and Effects, of whatever Kind or Description, which may have been stolen, fraudulently obtained, or disposed of in breach of Trust, within the Limits of this Act, and taken possession of by Officers acting in virtue of the Powers hereby conferred, and which it may be no longer necessary to detain for the Purpose of Evidence, to be restored to the proper Owners, upon *vivâ voce* Evidence being adduced to the Satisfaction of the Judge that such Goods were so stolen, fraudulently obtained, or disposed of in breach of Trust, whether the Offenders have been secured and punished or not, and that without any other Form or Process of Law whatsoever.

Offenders
may be pu-
nished sum-
marily for
Contempt of
Court.

CV. And be it enacted, That in Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, it shall be competent for the Judge, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a written Sentence, specifying the Offence, and inflicting a Fine not exceeding Five Pounds, or Imprisonment for any Period not exceeding Thirty Days, or to direct the Offender to be prosecuted
afte

after the ordinary Form, at the Instance of the Superintendent of Police, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of other Offences before the said Police Court: Provided always, that when the Judge proceeds to punish summarily he shall cause a Record to be kept, containing a Statement of the Facts which may have led to such Punishment.

CVI. And be it enacted, That it shall be lawful for the Procurator Fiscal to complain of, and for the Judge to punish, all Sergeants, Criminal Officers, Constables, Lamplighters, Scavengers, and other inferior Officers, for Offences committed by them in the Discharge of their Duty or otherwise, by Fine, Imprisonment, or by ordaining them to find Caution, either simply or in addition to Fine or Imprisonment: Provided always, that the Judge may, without the Necessity of any Complaint, direct the Superintendent of Police, or the Inspector of Lighting and Cleansing, to dismiss any inferior Officer under them respectively, whose Conduct in any Proceedings that shall form the Subject of Investigation in the said Police Court shall in his Opinion render such Officer unfit to be any longer retained in the Police Establishment, and such Officer shall be dismissed accordingly.

Penalty on Police Officers for Offences committed under this Act.

CVII. And be it enacted, That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted in the said Police Court by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Judge shall be final and conclusive, and not subject to Suspension or Advocation or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Judge, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Judge; and which Suspension or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

Proceedings not to be void for Want of Form; and Judgments to be final.

CVIII. And be it enacted, That no Suspension or Stay of Execution of any Sentence pronounced by the Judge, in so far as concerns any Penalty, shall be competent to the Effect of preventing immediate Payment to the Clerk or Consignation of the Amount of said Penalty; and the Person against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody at the Time shall immediately be taken into Custody, and so kept till the said Penalty be paid, and if the same be not immediately paid or consigned such Person shall be committed to the said Prison till liberated in manner herein mentioned; reserving, nevertheless, to any Person having paid or consigned such Penalty, if he shall consider himself aggrieved, to seek Redress as is herein-before provided; and in all Cases of Prosecution before the said Police Court under this Act it shall be lawful for the Judge whose Sentence shall be brought under the Review of another Court to authorize the

No Sist to prevent Payment of Penalties.

[Local.]

15 U

Expenses

Expenses incurred in the Proceedings in such other Court to be defrayed out of the Assessments authorized to be levied for the general Purposes of this Act: Provided always, that at the First Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid, the Superintendent of Police or Inspector of Lighting and Cleansing respectively shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in such Action by such Superintendent or Inspector subsequent to such General Meeting shall be defrayed out of the said Assessments.

Fines to be paid to the Clerk.

CIX. And be it enacted, That all Forfeitures, Penalties, and Fines imposed in the Police Court, and recovered, shall be paid to the Clerk, and shall be accounted for by him Once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Superintendent of Police is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of Penalties.

CX. And be it enacted, That the whole Forfeitures, Penalties, and Fines imposed in the Police Court, and paid to the Clerk, shall be applied in Payment of the Expenses incurred in alighting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever farther Sum may be required shall be paid from the Assessment authorized to be levied for the general Purposes of this Act; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall form Part of the Funds for the general Purposes of this Act.

For Recovery of forfeited Bail Bonds and Bonds of Caution.

CXI. And be it enacted That when any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Judge to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk of Court within Six Days after the Date of such Citation, and in default of such Payment after the Lapse of such Period to grant Warrant for apprehending and imprisoning the Cautioner in the said Prison till said Sum be paid, but which Period of Detention shall not exceed Thirty Days from the Time of Incarceration; and after the said Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Judge to declare such Deposit to be forfeited; and

and if it be Money, it shall be forthwith ordered by the Judge to be paid to the Clerk of Court; and if it be not Money, such Article so deposited shall be ordered by the Judge to be sold by public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines, to the Collector, and applied in the same Way and Manner as the Forfeitures, Penalties, and Fines are by this Act directed to be applied.

CXII. And be it enacted, That any Bail Bond or Bond of Caution the Cautioner in which is unable to subscribe his Name shall be valid and effectual if such Cautioner shall exhibit to such Bond his Mark in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Cautioners
in Bonds.

CXIII. And be it enacted, That it shall be the Duty of the Inspector of Markets to be appointed under this Act to see that the Regulations for Markets and Slaughter-houses are duly observed; that no Carcase or Part of the Carcase of any Animal which may appear to have died of or been killed in consequence of Disease is dressed, prepared, or kept therein; that no Butchers Meat, Fish, Poultry, or other Article of Food of an unsound or unwholesome Description, or adulterated Butter, Meal, Bread, or any other Article of adulterated Food whatsoever, is exposed for Sale or kept in Markets, Shops, Stalls, or other Places.

Duties of In-
spector of
Markets.

CXIV. And be it enacted, That the Keepers of all Slaughter-houses, Markets, Shops, Stalls, and other Places for the Sale of Butchers Meat, Fish, or other Provisions, and all Cowfeeders, shall at all Hours during the Day and Night allow the said Superintendent of Police, Inspector of Cleansing, Inspector of Markets, and all other Officers appointed under this Act, Access to their Premises for the due Performance of the Duties of such Officers, under a Penalty not exceeding Forty Shillings for each Offence, to be imposed in the said Police Court.

Penalty on
refusing
Access to
Slaughter-
houses,
Markets, &c.
at all Hours.

CXV. And be it enacted, That it shall be lawful to the Superintendent of Police to bring before the Judge any Person who shall sell or expose to Sale, or have in his Possession, in any Market, Shop, Stand, or Place within the Limits of this Act, the dressed Carcase or any Part of the Carcase of any Animal which shall appear to have died of or been killed in consequence of Disease, or any Butchers Meat, Fish, Poultry, or other Article of Provision of an unsound or unwholesome Description, or in a State unfit or unsuitable for Human Food, and to seize and take possession thereof; and if, after Inspection, Two or more respectable Dealers in such Articles shall certify that the same is unwholesome, and ought to be buried or otherwise disposed of, it shall be lawful to the Superintendent of Police immediately to cause it to be buried or otherwise disposed of; and any Person who shall be convicted of selling or exposing to Sale or having in his Possession any such unwholesome Articles as aforesaid shall, upon Conviction before the Judge, for each Offence be liable to a Penalty not exceeding Twenty Pounds; and the

Sale of un-
wholesome
Meat pro-
hibited.

Articles

Articles so seized shall, upon Conviction, be forfeited, and if not buried shall be disposed of as the Judge shall direct; and it shall be lawful to the Superintendent of Police to bring before the Judge any Butcher or other Person who shall, within the Limits of this Act, sell or expose to Sale, or have in his Possession for the Purpose of selling, any blown, stuffed, or pricked Veal, Lamb, or Butchers Meat, or who shall sell or expose to Sale any Bull Beef without having the Words "Bull Beef" exhibited on a Board in Roman Characters of at least Three Inches in Length and of a proportionable Breadth over the Stall or Place in which it shall be exposed to Sale, and to seize and take possession of such Veal, Lamb, Beef, or other Butchers Meat, to be produced in Evidence; and the Judge shall be empowered to declare the said Veal, Lamb, Beef, or other Butchers Meat to be forfeited, and dispose thereof as he shall think fit, as well as to fine the Person convicted of selling the same, or offering the same for Sale, or having the same in his Possession, contrary to this Enactment, in any Sum not exceeding Five Pounds.

Judge may grant Warrant for searching for concealed Carcases.

CXVI. And be it enacted, That it shall be lawful for the Judge, upon Petition by the Superintendent of Police setting forth that there is Reason to believe that the Carcase of any Animal which shall have been smothered or shall have died of Disease, or Parts thereof, are deposited or concealed in any Place within the Limits of this Act, to grant Warrant for causing such Place to be searched; and in case any such Carcase, or Part thereof, shall be found, it shall be lawful for the Officers executing such Warrant to seize, take, and carry away the same, and for the Judge to cause the said Carcase, or Part thereof, to be burnt or destroyed or otherwise disposed of, without Prejudice to the Person having the same in his Possession being proceeded against as herein provided.

Penalty on Persons selling adulterated Articles of Food.

CXVII. And be it enacted, That if any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, or other Article of Food, knowing the same to be adulterated, such Person so offending shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Five Pounds, and such adulterated Article shall be forfeited and disposed of as the Judge shall direct; and it shall be lawful to the Judge, on the Application of the Superintendent of Police, setting forth that he has received Information and has just Cause to believe that adulterated Butter or other Article of Food is in the Possession of any Person, for the Purpose of being disposed of, to grant Warrant to seize such Butter or other such Article of Food, and to forfeit and dispose of the same as to him shall seem meet.

Weighing Machines to be erected.

CXVIII. And be it enacted, That it shall be lawful to the Commissioners to erect, so far as not already done, and maintain Steelyards, Scales, or other Weighing Machines, upon or adjacent to the different Streets or at any other convenient Places within the Limits of this Act, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

CXIX. And

CXIX. And be it enacted, That it shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyards, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid; and the Money so to be paid shall be repaid to such Drivers by the Purchasers of the Coals, or Persons to whom the same are delivered, on the Ticket thereof being produced.

Purchasers
may require
Coals to be
weighed.

CXX. And be it enacted, That it shall be lawful to the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Limits of this Act, in order that the Inhabitants may have Access to them for the Purpose of re-weighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such re-weighing; and it shall be lawful to the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be re-weighed, and to require the Driver to produce the Ticket thereof as a Check on the Conduct of Drivers and others, such re-weighing being always done free of Expense.

Portable
Machines
for weighing
Coals.

CXXI. And be it enacted, That for the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton, within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery; and such Dealers shall be obliged to weigh the same, upon being required to do so, either by the Person purchasing the same or by any Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence: Provided always, that Dealers in Coals at the Depôts and Wharfs of the "*Edinburgh and Glasgow Railway Company*," "*North British Railway Company*," "*Edinburgh and Northern Railway Company*," and "*Caledonian Railway Company*," and of the "*Edinburgh and Glasgow Union Canal Company*," shall not be required to provide at their Offices at the said Depôts and Wharfs any Scales or Weights in addition to those already established thereat by the said Companies.

Coals sold
by Retail to
be weighed.

Penalty on
Driver re-
fusing to
weigh.

CXXII. And be it enacted, That if any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same, in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before the Judge, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for
fraudulent
weighing.

CXXIII. And be it enacted, That if the Keeper of any Weighing Machine used within the Limits of this Act for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or re-weigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained; or if the Owner or Driver of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight of any Cart or the Loading thereof; or shall make, use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading; or if, by re-weighing or otherwise, it shall be discovered that any Coals have been abstracted by such Owner, Driver, Keeper, or Servant from such Cart after it shall have passed the Steelyard or Weighing Machine where it was originally weighed; or if the Owner or Driver of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein; or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein weighed or stated or represented to be weighed at any such Machine as aforesaid; then and in every such Case every Person so offending shall, upon Conviction before the Judge, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Sixty Days.

Application
of surplus
Funds for
weighing.

CXXIV. And be it enacted, That any surplus Monies which may have arisen from the weighing of Coals previous to the passing of this Act, and shall at the passing of this Act be in the Hands of the Commissioners under the said recited Acts, and any surplus Money hereafter arising from the Sums received for weighing Coals at the Steelyards or Weighing Machines erected or to be erected by the Commissioners, after deducting the Expense of that Department, shall form Part of the Funds for the general Purposes of this Act; and if the Sums so received for weighing Coals should at any Time be insufficient for the Purpose of defraying the Expenses of that Department, such Deficiency may be made up from the Assessments authorized to be levied for the general Purposes of this Act.

CXXV. And

CXXV. And be it enacted, That in order to prevent Fraud in the Weight of Hay and Straw, by the same being taken or embezzled from Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw brought within the Limits of this Act, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Judge to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent Taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Sixty Days.

Commissioners may make Regulations for preventing Fraud in the Weight of Hay and Straw.

CXXVI. And be it enacted, That all Bakers and Dealers in Bread shall on all Bread made or exposed by them for Sale (excepting Fancy Bread or Rolls) impress in large and distinct Figures the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable to a Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell, within Twenty-four Hours after being brought out of the Oven, any Bread which shall be deficient or under the Weight so impressed, shall be liable to a Penalty not exceeding Five Pounds for each Offence: Provided always, that nothing herein contained shall affect the Provisions of an Act passed in the Sixth and Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of London and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the Royal Exchange, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread beyond the Limits aforesaid.*

Penalty for committing Frauds in Weight of Bread.

Nothing to affect Provisions of 6 & 7 W. 4. c. 37.

CXXVII. And in order to prevent the Danger arising from the keeping of Gunpowder, be it enacted, That it shall be lawful to the Commissioners, out of the Assessments authorized to be levied for the general Purposes of this Act, to purchase or acquire a Piece of Ground, or other Tenement or Hereditament, within Three Miles of the Cross of the said City, and to erect thereon a proper and suitable Gunpowder Magazine for the Reception and safe Custody of Gunpowder, any Law or Statute to the contrary notwithstanding, which Gunpowder Magazine shall be under the Charge, Superintendance, and Management of the Commissioners, who shall be entitled to fix and exact reasonable Dues or Remuneration for the Use thereof from the Traders or others using the same, and to make such Regulations for the proper Management of the said Magazine as they shall consider necessary or expedient, and under such Penalties as they shall deem proper, not exceeding Five Pounds for each Offence, to be levied in a summary Manner, on the Complaint of the Superintendent of Police before the Judge; and the

Gunpowder Magazine to be maintained.

Commissioners

Commissioners shall be entitled and they are hereby authorized to borrow and take up at Interest any Sum or Sums of Money not exceeding the Sum of One thousand Pounds on the Security of the said Assessments, or of the Property vested in the Commissioners, as they shall think proper, to defray the Expense of erecting, maintaining, or making Additions to the said Magazine: Provided always, that the Commissioners shall and may authorize their Collector or Treasurer to grant a Bond or Bonds for the Payment of the Sum to be borrowed by them, or for Payment of any Ground Annual or Feu Duty agreed to be paid by them for the Ground or Tenement to be acquired by them as aforesaid, in the same Form and Manner as is herein provided with regard to other Sums authorized hereby to be borrowed.

Gunpowder not to be sold by Candle or Gaslight.

CXXVIII. And be it enacted, That it shall not be lawful to sell any Gunpowder by Gas or Candle or other artificial Light; and if any Person shall sell any Gunpowder contrary to the Provisions hereof, such Person, or the Owner of the Gunpowder so sold, or the Occupier of the Premises in which such Sale is made, shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds for each Offence.

Not more than Thirteen Pounds Weight to be kept in any Premises.

CXXIX. And be it enacted, That it shall not be lawful for any Person to have or keep any Quantity of Gunpowder exceeding Thirteen Pounds in Weight in any Shop, House, or other Premises (other than in the Magazine to be erected by the Commissioners in virtue of the Powers hereby granted); and if any Person shall contravene this Enactment, such Person shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds for every Hundred Pounds Weight of Gunpowder so had or kept, and so in proportion for any greater or less Quantity; and all such Gunpowder shall be seized and forfeited.

How such Quantity of Gunpowder shall be kept.

CXXX. And be it enacted, That the Quantity of Thirteen Pounds Weight of Gunpowder and under, which may be kept in any Shop, House, or other Premises, shall be kept in Stone Jugs or Canisters properly covered, and having the Word "Gunpowder" legibly inscribed thereon, or on a Label properly attached thereto, and shall also be kept separate from all other Goods or Commodities, and secured by Lock and Key; and the Owner thereof, or the Person in whose Possession any Gunpowder not so kept and secured shall be found, shall, upon Conviction before the Judge, for each Offence be liable to a Penalty not exceeding Five Pounds, and such Gunpowder shall be seized and forfeited.

How Quantity exceeding Thirteen Pounds Weight shall be conveyed.

CXXXI. And be it enacted, That all Gunpowder in greater Quantities than Thirteen Pounds in Weight, carried or conveyed through any Street or Court, shall be secured in tight Casks, well headed and hooped with Copper or Wood, each of which shall be put into and entirely covered with a Leather Case, or Woollen or Saltpetre Bag, sufficient to prevent the Gunpowder from being spilled or scattered, and labelled or marked so as sufficiently to distinguish the same, or shall be carried or conveyed in such other sufficient Manner as may be

be directed by any Bye Law or Regulation to be made in virtue of this Act; and all Gunpowder which shall be carried or conveyed contrary to the Provisions of this Act, or of any such Bye Law or Regulation, shall be seized and forfeited, and the Owner thereof, or the Persons carrying or conveying the same, shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds.

CXXXII. And be it enacted, That it shall be lawful for the Judge to grant Warrant to the Superintendent of Police, and those acting under his Orders, to enter and search for Gunpowder in the Premises of any Dealer or suspected Dealer in that Article within the Limits of this Act; provided that the Name of the Dealer whose Premises are to be searched shall be mentioned in such Warrant.

Power to issue Warrant to search for Gunpowder.

CXXXIII. And be it enacted, That all Gunpowder seized by virtue of this Act shall be conveyed to and deposited in any Magazine which may be provided in virtue of this Act for storing Gunpowder, and shall be subject to the Rules thereof; and such Gunpowder shall be detained in such Magazine until it shall be determined by due Course of Law whether the same has become forfeited by virtue of this Act.

Gunpowder seized to be conveyed to the Magazine.

CXXXIV. Provided always, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to any Gunpowder the Property of Her Majesty, or for the Use of any of Her Majesty's Forces, or of any Militia, Yeomanry, or Volunteer Corps; and that the Judge, on Inquiry into the Facts and Circumstances of any alleged Violation and Seizure, shall have Power, in his Discretion, to order any Gunpowder seized by virtue of this Act to be restored.

Not to extend to Gunpowder belonging to Naval and Military Stores.

CXXXV. And be it enacted, That if any Person who is licensed to sell Ale, Beer, or exciseable Liquors shall, within any Shop, House, Office, or other Premises occupied by him, suffer riotous or disorderly Conduct, or shall harbour Thieves, Prostitutes, or disorderly Persons, or shall suffer Men or Women of notoriously bad Fame, or dissolute Boys or Girls, to meet or assemble therein, or shall permit or suffer any unlawful Games therein, whereby the Lieges may be cozened and cheated, or shall, within the Shop, House, Office, or other Premises occupied by him, suffer any drinking or tipping at any Hour earlier than One o'Clock in the Afternoon or during the Hours of Divine Service on Sabbath Days, or on other Days set apart for Public Worship by lawful Authority, (except in Inns and Hotels licensed, and at Railway Refreshment Rooms licensed and open for the Accommodation of Passengers only,) such Person, on being convicted of any of the above Offences, shall be liable to a Penalty not exceeding Five Pounds, and the Judge may further ordain such Person to find Security for good Behaviour for such Length of Time, not exceeding Twelve Months, and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as he shall see meet; and in the event of such Caution not being found within a reasonable Time, to be specified in the Order, it shall be lawful to the Judge to deprive such Person of his Licence; and if any such Person shall be con-

Regulations as to Houses licensed to sell Ale, &c.

victed more than once of any of the said Offences, the Judge shall in like Manner either award the said Fine, and order renewed Security, or deprive such Person of his Licence, as he may judge proper: Saving and reserving the Rights of all Persons to enforce the due Observance and to prevent the Profanation of the Sabbath Day, otherwise, according to the Laws and Practice of *Scotland*.

Publicans
not to keep
Premises
open during
unseason-
able Hours.

CXXXVI. And be it enacted, That if any Person licensed as aforesaid shall suffer drinking or tipping within the Premises occupied by him, or sell Ale, Beer, or exciseable Liquors, on any Day after Eleven o'Clock at Night or before Six o'Clock in the Morning, or on Sabbath Days or on any other Day set apart for Public Worship by lawful Authority at any Hour earlier than One o'Clock in the Afternoon, or during the Hours of Divine Service, in the Case of a Spirit Shop, Cellar, Vault, or other similar Place, such Person, on being convicted thereof before the Judge, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and may besides, in the Case of a second or other subsequent Conviction, be deprived of his Licence: Provided always, that nothing contained in this Enactment shall apply to Railway Refreshment Rooms licensed and open for the Accommodation of Passengers only.

Publicans
not to sup-
ply Liquors
to Persons
under Four-
teen Years
of Age.

CXXXVII. And be it enacted, That if any Person licensed as aforesaid shall supply any Sort of exciseable Liquors to any Boy or Girl apparently under Fourteen Years of Age, to be consumed by such Boy or Girl within his Shop or Cellar or any other Premises occupied by him, such Person shall be liable, on being convicted of a First Offence, to a Penalty not exceeding Twenty Shillings, upon Conviction of a Second Offence, to a Penalty not exceeding Forty Shillings, and upon Conviction of a Third or other subsequent Offence, to a Penalty not exceeding Five Pounds, besides Deprivation of his Licence.

Penalty on
Publicans
entertaining
Officers
during Time
of Duty.

CXXXVIII. And be it enacted, That if any Person licensed as aforesaid shall, within the Premises occupied by him, knowingly harbour, entertain, or suffer to remain therein, any Officer, Constable, or other Person belonging to the said Police Force during any Part of the Time appointed for his being on Duty, (unless such Officer, Constable, or other Person shall be there for the Purpose of quelling Disturbance, or otherwise in the Discharge of his Duty,) or if any Person shall supply any such Officer, Constable, or other Person with Liquor when upon his Station, or in any Shop, Cellar, House, or other Place, during his Time of Duty, such Person so offending shall for each such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on
Publicans
purchasing
Wearing
Apparel, or
taking
Pledge
for Spiritu-
ous Liquors.

CXXXIX. And be it enacted, That any Person licensed as aforesaid who shall receive any Article of Wearing Apparel, or Bed Clothes, or Household Furniture, or any Goods or Manufacture in an unfinished State, from any Person, in pledge for the Price of exciseable Liquors, or for the Supply of such Liquors, shall be liable to a Penalty not exceeding Five Pounds; and in the Case of such Pledge the Article so received in pledge shall be restored to the Owner, and the Licence of the Person so offending may be declared forfeited.

CXL. And

CXL. And be it enacted, That from and after the passing of this Act no Person shall, within the Limits of this Act, exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Judge, which Licence the Judge shall have a discretionary Power of granting or refusing, as he shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year, and no longer, unless sooner revoked or suspended, which the Judge is hereby authorized to do on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person to whom such Licence shall be given or renewed shall for each such Licence or Renewal thereof pay to the Clerk a Sum not exceeding Two Shillings and Sixpence, as the Expense of such Licence or Renewal, and of recording the same in a Book to be kept by him for that Purpose; and if any Person shall, within the said Limits, exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that no licensed Pawnbroker, carrying on Business as such, shall be entitled to carry on the Trade or Business of a Broker (but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act); and it shall not be lawful for the Judge to issue any such Broker's Licence to any Pawnbroker.

Brokers, or Dealers in Second-hand Goods, not to carry on Business without being licensed.

CXLI. And be it enacted, That every Person who shall apply to be licensed as a Broker shall at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk of the Court in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the course of his Trade, and that each Broker when licensed shall be furnished by the Clerk with a Book properly ruled, and with printed Specimen Entries prefixed thereto, and which Book shall have printed therein the Clauses of this Act applicable to Brokers; and all Brokers shall enter in the said Book, according to the specimen Forms therein contained, a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to make Entries or proper Entries in such Book he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Brokers to furnish a Description of their Premises, and keep Books.

CXLII. And be it enacted, That all Articles purchased or received by such Brokers shall be kept by them in their Shops, or other Places where their ordinary Business is carried on, for the full Period of Seven Days, from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of, or remove from his Premises as aforesaid, any such Articles, before the Expiry of such Period of Seven Days, or shall fail

Brokers to retain Articles in possession for Seven Days:

at

at any Time in course of that Period to produce such Articles to the Superintendent of Police, or to any Officer acting under him, when required so to do, shall for each Offence, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds.

Brokers to
produce
Goods, on
Demand.

CXLIII. And be it enacted, That every Broker shall at all reasonable Times exhibit and produce, on Demand, to the Superintendent of Police, or to any Officer acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any of the Lieutenants or Sergeants, or any other Officer having the Authority of the Judge or of the Superintendent; in which Book the Officer of Police requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police, or other Officer specially authorized as aforesaid, that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent or other superior Officer of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or, upon Proof of Ownership to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same are or should have been described, on being required so to do, or who shall refuse to allow the Officer requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Five Pounds; without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawn-
broker to
produce
his Books, on
Demand.

CXLIV. And be it enacted, That every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Officer acting under him, his Books in which the Articles received by him in pledge are entered, and shall exhibit to such Superintendent or Officer all Goods regarding which Information shall have been given at the Police Office tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the said Superintendent, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Powers to
Brokers, &c.,
to detain
suspected

CXLV. And be it enacted, That it shall be lawful to any Pawnbroker or Broker, or any other Person to whom any Goods or Articles shall be offered to be pawned, sold, or delivered, which shall be reasonably

reasonably suspected to be stolen or illegally obtained, to detain the Person offering the same, and for any Officer of Police thereupon to take such Person into Custody: Provided always, that the Superintendent or other superior Officer on Duty before whom such Person so offering such Goods or Articles may be taken shall without Delay inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his determining whether the Party shall be immediately discharged, or liberated on Bail in manner herein provided, or detained till brought before the Judge for Examination.

Persons offering Goods for Pledge or Sale.

CXLVI. And be it enacted, That if any Goods or Articles regarding which written or printed Information shall be given by any Officer of Police to any Pawnbroker or Broker, as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall without unnecessary Delay give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be due or exigible in respect of not reporting such Articles, unless it shall appear to the Judge that such Articles had been knowingly concealed by such Pawnbroker or Broker.

Brokers, &c., to report stolen Goods.

CXLVII. And be it enacted, That if any Broker shall, after receiving Information of the Theft or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Judge, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

If stolen Articles be altered or defaced by Broker, he shall be held as a Receiver of stolen Goods.

CXLVIII. And be it enacted, That it shall not be lawful for any Broker, or any Pawnbroker, to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein;

Brokers not to carry on Business of Publicans, nor to purchase Tickets of Pawnbrokers.

therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to take Articles in pledge.

CXLIX. And be it enacted, That if any Broker shall receive or take any Goods or Articles in pledge, such Broker shall, upon Conviction thereof by the Oath of One or more credible Witnesses, for each Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbroker and Broker not to carry on Business in same Premises.

CL. And be it enacted, That it shall not be lawful for a Pawnbroker and a Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to transact with Persons under Fourteen Years of Age.

CLI. And be it enacted, That it shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to transact Business between certain Hours.

CLII. And be it enacted, That it shall not be lawful for any Broker to sell to or purchase from, or have any Business Transaction whatsoever with, any Person, between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday*; and if any such Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted on the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Pawnbrokers, &c. for purchasing Tickets issued by Charitable Institutions.

CLIII. And be it enacted, That any Pawnbroker or Broker who shall, either by himself or his Servant, or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued as aforesaid, and legibly marked as so issued, shall for such Offences be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker's Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Brokers to have their Names and "Licensed Broker"

CLIV. And be it enacted, That every Person licensed as a Broker shall have his Name, with the Words "Licensed Broker," painted over the Door or principal Entrance of his Premises, in large Characters either Black on a White Ground or White upon a Black Ground, and shall

shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings. painted on Premises.

CLV. And be it enacted, That it shall be lawful for the Superintendent of Police, and other Officers to be appointed under this Act, to apprehend and bring before the Judge all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood, within the Limits of this Act, and such Persons, upon Conviction before the Judge, shall be liable to be imprisoned in the said Prison for any Period not exceeding Sixty Days. Vagrants and Beggars to be apprehended.

CLVI. And be it enacted, That it shall be lawful for the said Superintendent of Police and other Officers to apprehend and bring before the Judge all young Persons found begging, or sent out for that Purpose, within the Limits of this Act, and also the Parents or other Relations of such young Persons or other Parties by whom they have been so sent or suffered to go out, and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation, or any other Person to whose Control they are subject, it shall be lawful for the Judge to punish such Parents or Relations or Persons as Vagrants or disorderly Persons, by Imprisonment for a Period not exceeding Sixty Days. Procedure as to Persons sending out Children to beg.

CLVII. And for preventing the Danger of Contagion or Infection and other Evils, from common Beggars, Vagrants, and idle Paupers going about seeking Relief, be it enacted, That it shall be lawful for the said Superintendent of Police and other Officers to apprehend and bring before the Judge all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the said Limits; and it shall be lawful for the Judge to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law. Beggars and Vagrants to be handed over to the Parochial Authorities.

CLVIII. And be it enacted, That if any Person within the Limits of this Act shall knowingly entertain or harbour any Rogue or Vagabond, or idle Vagrant or Beggar, in any House or Outhouse belonging to him, and shall not give Notice to the said Superintendent of Police or other Officer, in order that such Rogue, Vagabond, Vagrant, or Beggar may be apprehended, every Person so offending shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings for each Offence; and in order to the more effectually discovering the Harbourers of such Rogues, Vagabonds, Vagrants, and Beggars, it shall be lawful for the Superintendent of Police, upon Information from any Constable or other credible Person, to enter, or specially to authorize any of his Officers to enter, at all Times of the Day or Night, all Tippling Houses, Brothels, and low Lodging Houses within the said Limits; Penalty for harbouring Vagrants.

Limits; and if the Entrance of the Superintendent or Officers shall be resisted or refused, they are hereby authorized and empowered to force an Entrance; and the Person so resisting or refusing shall be brought before the Judge, and, on Conviction, shall be liable to a Penalty not exceeding Forty Shillings for each Offence.

Regulations as to Houses resorted to by disorderly Persons.

CLIX. And be it enacted, That if any Person shall suffer riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises occupied or rented by him, or shall knowingly harbour Thieves, Prostitutes, or disorderly Persons, or dissolute Boys or Girls, to meet or assemble therein, such Person, upon being convicted of any of the above Offences before the Judge, shall be liable to a Penalty not exceeding Five Pounds; and the Judge may further ordain such Person to find Security for his good Behaviour for such Length of Time, not exceeding Twelve Months, and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as he shall see meet.

Keepers of Lodging Houses for Mendicants to report Persons resorting thereto.

CLX. And be it enacted, That every Person letting Lodgings, or giving Accommodation for the Night or Day, to mendicant or vagrant Persons within the Limits of this Act, shall, if required by any Order of the Commissioners, specially made and served upon such Person, be bound to report each and every Day at the Police Office or to the Police Officer of the District every Person who has resorted to such House during the preceding Night or Day; and if any such Person shall fail to comply with any such Order, he shall, upon Conviction before the Judge, for each Offence be liable to a Penalty not exceeding Five Shillings.

Penalty on Persons knowingly letting Houses to Harbourers of Vagrants, &c.

CLXI. And be it enacted, That if any Person, being the Owner or Occupier of any House or Apartment within the Limits of this Act, shall knowingly let, by the Year or otherwise, such House or Apartment to Harbourers of Vagrants or disorderly Persons, or reputed Thieves, he shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Provision Shops not to be kept open at unseasonable Hours.

CLXII. And whereas Encouragement is given to dissolute Persons to remain in and loiter about the Streets at late and unseasonable Hours, by Keepers of Shops in which dressed Provisions are sold keeping or having the same open at late Hours in the Night and early Hours in the Morning: Be it enacted, That no Keeper of any such Shop shall open or have open his Shop at an earlier Hour than Five o'Clock in the Morning or a later Hour than Twelve o'Clock at Night; and if any Person shall offend herein he shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Power to enter unlicensed Theatres and Shows, and Penalty on Persons keeping the same.

CLXIII. And be it enacted, That it shall be lawful for the said Superintendent of Police and the other Officers acting under his Orders to enter any House, Booth, Room, or other Tenement, Erection, or Premises kept or used within the Limits of this Act for Stage Plays or dramatic Entertainments, or for any public Show or Exhibition, into which Admission is obtained for Payment of Money, and which

is

is not a licensed Theatre, or a Room or Place authorized in Terms of Law to be used for that Purpose, at any Time when the same shall be open for the Reception of Persons resorting thereto, and to take into Custody all Persons who shall be found therein without lawful Excuse; and every Person keeping, using, or knowingly letting any House, Room, Tenement, Booth, or other Premises for the Purposes aforesaid or any of them shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Ten Pounds, and every Person performing or being therein without lawful Excuse shall be liable to a Penalty not exceeding Forty Shillings; and the Onus of proving that such Place is licensed as a Theatre, or otherwise legally authorized to be used for any of the Purposes aforesaid, shall be upon the Person keeping the same.

CLXIV. And be it enacted, That all Chain-droppers, Thimblers, Loaded-dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted on the Testimony of One or more credible Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

Penalty
against
Chain-droppers
and
Swindlers.

CLXV. And be it enacted, That if any Goods or Articles shall be stolen, embezzled, or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods or other Articles shall be found in the Possession of any Pawnbroker or Broker or of any other Person, within the Limits of this Act, it shall be lawful for the Judge to issue a Summons or Warrant for the Appearance of such Pawnbroker, Broker, or other Person, and for the Production of the Goods or Articles, and the Ownership of the same being proved to the Satisfaction of the Judge, he shall order such Goods or Articles to be delivered up to the Owner thereof, under such Conditions as he shall think fit; and every Pawnbroker, Broker, or other Person who being so ordered shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods or Articles were stolen, embezzled, or unlawfully obtained, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods or Articles the full Value thereof, to be determined by the Judge, and, in addition, shall be liable to a Penalty not exceeding Five Pounds; without Prejudice to the said Pawnbroker, Broker, or other Person being proceeded against as a Resetter of stolen Goods or otherwise according to Law.

Goods or
Articles
stolen or
fraudulently
disposed of
to be deli-
vered up to
the Owners.

Articles found to be reported, and deposited with the Police.

CLXVI. And be it enacted, That any Person finding any Goods, Articles, or Money, the Owner of which is not known, shall report the Fact, and deposit such Goods or other Articles aforesaid in the Police Office, within Forty-eight Hours; and any Person failing so to report and deposit shall be liable to a Penalty not exceeding Five Pounds: Provided always, that if the Owner of such Goods or other Articles shall not claim the same and prove his Ownership to the Satisfaction of the Judge within Six Months from the Date of such Report and Deposit, the same shall be re-delivered to the Finder, under Deduction of the Expenses incurred for advertising for the Owner, and that where the Owner shall appear and prove his Ownership as aforesaid the Judge shall order such Goods or others to be delivered to him, under Deduction of such Expenses, and of such Reward to the Finder as in the Circumstances the Judge shall determine.

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

CLXVII. And be it enacted, That any Person found committing any Offence punishable either by Indictment or Criminal Libel, or upon summary Conviction under this Act, may, with or without a Warrant, be taken into Custody by any Police Officer, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any other Person, and may be detained until he can be delivered into the Custody of a Police Officer, to be dealt with according to Law, and any Officer may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained or fraudulently carried away may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

Removal of Furniture during certain Hours to be stopped.

CLXVIII. And be it enacted, That it shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found, within the Limits of this Act, employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the said Limits.

Street Musicians to depart when desired to do so.

CLXIX. And be it enacted, That it shall be lawful for any Householder, personally, or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder, on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any musical Instrument, or sing, after being so required to depart, shall be liable to a Penalty not exceeding Twenty Shillings.

Penalty for Chimneys accidentally taking fire.

CLXX. And be it enacted, That if any Chimney accidentally catch or be on fire within the Limits of this Act the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Judge before whom the Case is heard that such Fire
was

was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.

CLXXI. And be it enacted, That if any Person shall have or keep, or suffer to be kept, within any House, Shop, Cellar, Court, or Area, or other Premises, any Dog or other Animal which shall be a Nuisance or Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Nuisance or Annoyance, by removing such Dog or other Animal, or otherwise, within such Time as the Judge shall determine, and which he is hereby authorized to do in a summary Manner, or if any Person shall suffer to be at large or have at large any ferocious, rabid, or vicious Dog, not being muzzled, or if any Person shall, after public Notice given by the Magistrates of the said City directing Dogs to be confined on account of any Suspicion of Canine Madness, suffer any Dog to be at large or have the same at large within the said Limits during the Time specified in such Notice, any Person so offending shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and it shall be lawful to the Officers of Police or other Officers of the Law, and their Assistants, to seize and take possession of any Dog or other Animal being a Nuisance or Annoyance as aforesaid, and not removed if so ordered, or any ferocious, rabid, or vicious Dog, not being muzzled as aforesaid, or any Dog not confined after such public Notice, and to the Superintendent of Police to order any Dog so seized to be destroyed; and it shall also be lawful to such Officers to destroy any Dog reasonably suspected to be in a rabid State, or which has been bitten by any other Dog reasonably suspected to be in a rabid State.

Dogs, or other Animals, if a Nuisance or Annoyance, to be removed or restrained.

CLXXII. And be it enacted, That if any Cattle be at any Time found at large in any Street within the Limits of this Act, without some Person having the Charge thereof, any Officer of Police may seize such Cattle, and remove them to a Place of Safety, and may detain the same therein until the Owner thereof pay the reasonable Expenses of seizing and keeping such Cattle; and if the said Expenses be not paid, or if no Owner appear to claim the said Cattle, within Seven Days after such Seizure, such Cattle may be sold, and the Money arising from such Sale shall be paid to the Clerk of Court, who shall account for the same as for Penalties under this Act: Provided always, that if the Owner of such Cattle shall within Three Months appear and prove his Ownership, the Clerk of Court shall pay to such Owner the free Proceeds of the Sale.

Power to seize and sell stray Cattle.

CLXXIII. And be it enacted, That when any Person having charge of any Cattle, Cart, Carriage, or Boat, or any other Animal or Thing, shall be taken into the Custody of any Officer under the Provisions of this Act, it shall be lawful to any Officer to take charge of such Cattle, Cart, Carriage, or Boat, or other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Seven Days after such Detention, it shall be lawful to the Judge, upon the

Horse or Carriage of Persons offending may be taken and secured.

the Application of the Superintendent of Police or Inspector of Lighting and Cleansing respectively, to order the Sale of any such Cattle, Cart, Carriage, or Boat, or any other Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, to be paid to the Owner, if he shall apply for the same within Three Months after the Sale, and if otherwise, to be applied to the Purposes of this Act.

Penalty for conveying Spirits into Police Office or Station House.

CLXXIV. And be it enacted, That if any Person shall bring, carry, or convey any exciseable Liquors into any Police Office or Station House within the Limits of this Act, other than such in Kind and Quantity as are prescribed by a regular Physician or Medical Practitioner, it shall be lawful for any Officer or other Person seeing such Offence committed to apprehend, and for any other Person to assist in apprehending, such Person, and to carry him before the Judge or to the Police Office; and it shall be lawful for the Judge to convict the Person offending, either on his judicial Confession or on the Oath of One credible Witness, and to fine the Offender in a Sum not exceeding Five Pounds.

Penalty for obstructing or assaulting Officers when on Duty.

CLXXV. And be it enacted, That if any Person shall resist, obstruct, or molest any Officer, Constable, or other Person employed in the Execution of any Duty, or the Performance of any Work, by virtue of this Act, or of any Warrant of the Judge, or of any (Bye Law) Regulation, or Order of the Commissioners, or shall aid or incite any Person so to do, and if any Person shall assault or strike any such Officer, Constable, or other Person employed as aforesaid, or aid or incite any Person so to do, or shall rescue or attempt to rescue, or aid or incite any Person to rescue or attempt to rescue, any Prisoner whom any such Officer, Constable, or other Person shall have in Custody or be aiding to secure, such Person so offending shall, upon Conviction before the Judge, for each Offence be liable to Imprisonment for any Period not exceeding Sixty Days, or to a Penalty not exceeding Five Pounds, without Prejudice to any Officer, Constable, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Provision to be made for disabled Watchmen.

CLXXVI. And be it enacted, That it shall be lawful to the Commissioners to make suitable Provision, out of the Assessments hereby authorized to be levied for the general Purposes of this Act, for any Officer of Police who may at any Time be disabled or wounded in the Execution of his Office, or for the Family of any Officer of Police who may lose his Life in the Execution of his Office; and that in case of any Officer of Police being so disabled or wounded as to be unable to perform his Duty, or losing his Life as aforesaid, and the Superintendent of Police being thereby obliged to engage another Person to supply his Place, which he is hereby authorized to do, such Officer so disabled or wounded, and the Widow and Children of any Officer losing his Life as aforesaid, in the event of his leaving a Widow or Children, shall receive the ordinary Pay or Wages of such Watchman or other Officer till the next Meeting of Commissioners, when the
special

special Circumstances of the Case shall be reported to the Meeting, which shall give such Orders respecting the same as to them shall appear proper; and for the Purpose of rewarding the Superintendent of Police, Inspector, or other Persons employed in the Execution of this Act, for extraordinary Trouble, according to their Exertions in important and difficult Cases, and for enabling the Lord Provost or the Sheriff to remunerate Persons necessarily employed for occasional Services, it shall be lawful for the Commissioners to order their Collector to pay to the Superintendent, Inspector, or other Persons employed as aforesaid such Sum or Sums of Money as to the Commissioners shall seem proper, and to place at the Disposal of the Lord Provost and the Sheriff, for the Purposes before mentioned, such Sum or Sums of Money as to the Commissioners shall seem proper, such Sum or Sums of Money not exceeding in the whole the Sum of Five hundred Pounds in any One Year; which Orders the said Collector shall be and he is hereby authorized and required to pay, and the same, with the Receipts of the Persons to whom the Money is payable, shall be a sufficient Voucher to all concerned.

Rewards to
Officers.

CLXXVII. And be it enacted, That no Officer of Police shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed to do so in Writing by the Superintendent of Police, or unless he shall give to the said Superintendent One Month's Notice in Writing of his Intention; and every Officer who shall so resign or withdraw himself without such Leave or Notice shall forfeit all Arrears of Pay then due to him, and be liable to pay a Penalty of not more than Five Pounds, to be recovered before the Judge, by Complaint at the Instance of the Superintendent of Police.

Officers not
to resign
without
Leave.

CLXXVIII. And be it enacted, That every Officer of Police who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty, to the Superintendent of Police, or to such other Person as may be authorized by the Superintendent to receive the same, shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds; and it shall be lawful for the Superintendent to seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be delivered over, wherever the same may be found.

Officers
dismissed to
deliver up
Accoutre-
ments.

CLXXIX. And be it enacted, That every Person, not being an Officer of Police, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any Officer of Police, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress or take the Name or Designation or otherwise assume the Character of an Officer of Police, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or causing to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in

Penalty for
unlawful
Possession
of Accou-
trements.

addition to any other Punishment to which he may be liable for such Offence, be liable, upon Conviction before the Judge, to a Penalty not exceeding Five Pounds.

Unclaimed
Goods to be
disposed of.

CLXXX. And be it enacted, That any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, or which may be unclaimed, shall be taken care of by the Superintendent of Police; and it shall be lawful for the Judge, after the Expiration of Twelve Months, or, in the Case of perishable Articles, after the Expiration of One Month, during which Periods respectively no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money, the Proceeds, after deducting Expenses, to be applied along with the other Monies levied for the Purposes of this Act: Provided always, that Seven Days previous Notice of the Sale of such Effects shall be given by Advertisement in Two Newspapers published in *Edinburgh*.

Penalty of
40s. for
committing
certain Of-
fences in the
Streets, &c.

CLXXXI. And be it enacted, That every Person, upon Conviction before the Judge on the Testimony of One or more credible Witnesses, shall be liable to a Penalty of not more than Forty Shillings, who, in any Street or Court within the Limits of this Act, shall commit any One of the following Offences; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place, or Fair lawfully appointed for that Purpose), any Horse or other Animal, or exhibits in a Caravan or otherwise any Show or public Entertainment, or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident), or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal, or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident) where Repair on the Spot is necessary:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in Fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by the Magistrates directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dogs to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which, for the public Safety or other reasonable Cause, ought to be killed on the Spot:

Every Person, having the Care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof, or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same, or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same, or who does not in meeting
any

any other Carriage keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road, (except in Cases of actual Necessity, or some sufficient Reason for Deviation,) or who by obstructing the Street wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care :

Every Person who at One Time drives more than Two Carts or Waggon, and every Person driving Two Carts or Waggon who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet :

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle :

Every Person who causes any public Carriage, Sledge, or Truck or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers, except Hackney Coaches and Horses and other Beasts of Draught or Burden standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority, and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare :

Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same :

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway :

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground :

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, or Merchandize, Matter or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :

Every Person who places any Line, Cord, or Poles across any Street, or hangs or places any Clothes thereon :

Every

Every common Prostitute or Night Walker loitering and importuning Passengers for the Purpose of Prostitution :

Every Person who shall wilfully and indecently expose his Person :

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad, or uses any profane or obscene Language :

Every Person who wantonly discharges any Fire-arms, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework :

Every Person who wilfully and wantonly disturbs any Inhabitant by pulling or ringing any Door Bell or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp :

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow :

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime :

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers) :

Every Person who beats or shakes any Carpet, Rug, or Mat (except Door Mats beaten or shaken before the Hour of Eight in the Morning) :

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window without sufficiently guarding the same against being blown down :

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing (except Snow thrown so as not to fall on any Passenger) :

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window in order to clean, paint, or perform any other Operation outside of such Window, or upon any House or other Building within the said Limits, unless such Window be in the Sunk or Basement Story :

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn Persons from falling thereinto.

Penalty on Persons found drunk, and guilty of riotous or indecent Behaviour.

CLXXXII. And be it enacted, That every Person found drunk in any Street or Court, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Limits of this Act, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Judge before

before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

CLXXXIII. And be it enacted, That if any Person shall wilfully break or throw down, or otherwise injure, deface, damage, or carry away, any public Globe, Lamp, or Lantern, or the Posts, Irons, Gas Pipes, Tubes, Burners, or other Appurtenances thereof, such Offender may, upon the Complaint of the Inspector of Lighting, be convicted thereof before the Judge, upon the Testimony of One or more credible Witnesses, and be liable to a Penalty not exceeding Five Pounds; but if it shall appear to the Judge that such Offence was committed through Carelessness or Accident, he is hereby authorized and empowered to limit the said Penalty to the full Amount of the Damage done, or to such less Amount as to the Judge may seem meet; and this Enactment shall apply to all Lamps kept burning during the Night, although the Expense thereof may be defrayed by private Parties.

Penalty for
breaking
Lamps, &c.

CLXXXIV. And be it enacted, That if any Person shall throw or cast from any Window or other Place any Water or Dung, Soil, Dirt, Ashes, or Filth, or any offensive Matter or Thing, into or upon any Street or Court, Back Ground, Garden, or Place, he shall, upon Conviction before the Judge, by the Testimony of One or more credible Witness or Witnesses, be liable to a Penalty not exceeding Forty Shillings; and in the event of the Person committing any such Offence not being discovered the Occupier of any Room or other Apartment or Passage from the Window of which any such Water, Dung, Soil, Dirt, Ashes, Filth, or any offensive Matter or Thing, shall be thrown or cast, shall be held responsible, and may be proceeded against and fined in the said Penalty for Breach of this Enactment.

Penalty on
throwing
Filth upon
Streets.

CLXXXV. And be it enacted, That if any Person shall collect or authorize the Collection of, or shall lay or cause to be laid down, any Rubbish, not fit to be sold for Manure, on any Street or Court, and permit the same to lie for more than Six Hours, he shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings; and in the event of such Rubbish not being removed within the Time above specified it shall be lawful for the Inspector of Cleansing, or other Person under his Direction, to remove the same, at the Expense of the Person collecting or authorizing the Collection of or laying or causing it to be laid down, who may be sued for such Expense before the Sheriff or other competent Court, either by the said Inspector or by the Person employed by him to remove the same: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street or Court in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent a Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease.

Penalty on
allowing
Rubbish
to lie on
Streets
beyond a
certain
Time.

CLXXXVI. And be it enacted, That if any Person shall cause or permit any offensive Matter or Thing to run from any Manu-
[Local.] 16 C factory,

Penalty for
allowing
offensive

Matter to
run into
Streets.

factory, Dyework, Brewery, Butcher's Shop, Shambles, Stable, Byre, Pigstye, or Dunghill, into any Street or Court, or any Place, open or enclosed, he shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings.

Penalty for
committing
Nuisances
in common
Stairs.

CLXXXVII. And be it enacted, That if any Person shall commit Nuisance in any common Stair or Passage or other similar Place he shall, upon Conviction before the Judge by the Testimony of One or more credible Witness or Witnesses, be liable to a Penalty not exceeding Forty Shillings.

Slaughter-
houses to
be kept
clean.

CLXXXVIII. And be it enacted, That all Slaughter-houses within the Limits of this Act shall at all Times be kept in a cleanly State, to the Satisfaction of the Inspector of Cleansing, under a Penalty of Forty Shillings.

Regulating
the keeping
of Swine,
&c.

CLXXXIX. And be it enacted, That it shall be lawful for the Judge, on the Complaint of the Inspector of Cleansing, to order Pigs to be removed within a limited Time from any Place within the Limits of this Act where they are a Nuisance or Annoyance to any Person residing or occupying any House, Shop, or other Premises in the Neighbourhood thereof; and if any such Pig is not removed from such Place within the Time limited, or if any Person shall breed, feed, or keep any Donkey or Pig within any Dwelling House, or any Room, Vault, or Cellar thereof, within the Limits of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings; and if any Pigs shall be kept in any Place within the said Limits, other than in a Farmyard, Distillery, or Brewery, the Place within which they are kept shall be regularly cleansed at least every Twenty-four Hours, and Access shall be given at all reasonable Hours to the Inspector of Cleansing for the Purpose of Inspection, under a Penalty not exceeding Twenty Shillings for each Offence.

Penalty for
allowing
Accumula-
tion of Filth.

CXC. And be it enacted, That if any Person shall throw upon any Street or Court any Dung, Soil, Dirt, Ashes, or Filth, or shall discharge upon any Street or Court, by means of any Soil or Foul-water Pipe, any Dung, Soil, Dirt, or Filth, or shall accumulate within any Enclosure, Area, Dwelling House, Garret, Cellar, or other Apartment any Dung, Soil, Dirt, Ashes, or Filth, or shall suffer any Cess-pool to become offensive or Water to become stagnant on any Ground under his Control, every Person so offending shall for each Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that nothing herein contained shall apply to Persons employed in the Execution of this Act.

Penalty for
allowing
Accumula-
tion of
Stable and
Cowhouse
Dung.

CXCI. And be it enacted, That if any Person shall permit the Dung of any Stable or Cowhouse to accumulate in any Place where the same may be kept, under the Provisions of this Act, for more than Fourteen Days, any Usage, Right, or Custom to the contrary notwithstanding, he shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings; and if any such Dung shall be allowed to accumulate for more than Fourteen Days, and shall

shall not be removed within Twenty-four Hours after Notice from the Inspector of Cleansing, or other Officer or Person authorized by him, such Dung shall become the Property of the Commissioners, and may be immediately taken possession of, and removed or sold by the said Inspector, or the Person for the Time having the Contract for cleansing the Streets, and the Money thence arising shall form Part of the Funds for the general Purposes of this Act, without Prejudice to the Owner of such Dung being also proceeded against as before mentioned: Provided always, that this Provision shall not apply to Dung laid down on any Field or Garden for the Purpose of manuring such Field or Garden.

CXCII. And be it enacted, That if at any Time a Certificate signed by Two legally qualified Medical Practitioners shall be presented to the Commissioners or to the said Inspector, setting forth that any Accumulation of Horse and Cow Dung, or other offensive Matter or Thing, within the Limits of this Act, ought to be removed, as being prejudicial to the Health of the Inhabitants, the said Inspector shall forthwith give Notice to the Owner or Person in whose Possession such Dung or other offensive Matter or Thing may be to remove the same within Twenty-four Hours; and in case of Neglect or Failure to comply with such Notice, or if such Owner or other Person cannot be found, such Dung, or other offensive Matter or Thing, shall thereupon become the Property of the Commissioners, and may be removed or sold, as before provided; and the Owner or other Person, if discovered, shall, upon Conviction before the Judge for Non-compliance with such Order, be liable to a Penalty not exceeding Forty Shillings.

Nuisances to be removed, on Certificate by Two Medical Practitioners.

CXCIII. Provided always, and be it enacted, That Horse or Cow Manure brought from the City of *Edinburgh* to the Southmost Manure Wharfs of the *Edinburgh* and *Glasgow Union* Canal (lying to the South of the Second Drawbridge of the said Canal, and situate within the present Inclosure Wall of the Canal Company, at a Distance of not less than One hundred and twenty Yards from the said Drawbridge, and about Eighty Feet in Breadth), for the Purpose of being removed to a Distance by Boats for agricultural Purposes, shall not be subject to an Order of Removal or Forfeiture, unless the same shall have remained on such Wharfs for the Space of Fourteen Days, or for any shorter Space that may at any Time or from Time to Time be fixed by the Sheriff, and provided the said Wharfage Ground is not let as a Manure Depôt, but kept for the Collection of such Manure as aforesaid in order to the same being shipped.

Horse or Cow Manure in certain Cases not subject to an Order of Removal or Forfeiture.

CXCIV. And be it enacted, That all Horse and Cow Dung shall be kept off the Streets or Courts (Mews or Stable Lanes excepted, where such Dung may be kept for Fourteen Days, unless the Owner be required to remove the same prior to the Expiry of that Period, as being prejudicial to Health); and if the Owner of any such Dung shall mix or allow to be mixed therewith any Dung, Soil, Dirt, Ashes, or Filth belonging to the Commissioners, or if any Dung, Soil, Dirt, Ashes, or Filth belonging to the Commissioners shall be mixed with Horse and Cow Dung, without the Knowledge of the Owner thereof, and

Horse and Cow Dung to be kept off the Streets.

and such Owner shall not, within Twenty-four Hours after he shall come to the Knowledge of such Mixture having taken place, give Notice thereof to the said Inspector or those acting under him, in all or any of these Cases it shall be lawful for the said Inspector to take possession of, sell, and dispose of the same as public Property, and the Money thence arising shall form Part of the Funds for the general Purposes of this Act; and any Person convicted of such mixing shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Five Pounds.

Inspector
to secure
Dung.

CXCV. And be it enacted, That it shall be lawful for the said Inspector, or those acting under him, to seize, detain, and secure all Dung mixed as aforesaid as to which any Question may arise, until such Question shall be determined by the Judge, whose Decision thereon shall be final and conclusive.

Dust Boxes
may be
erected.

CXCVI. And be it enacted, That the Commissioners, if they think fit so to do, may cause moveable or fixed Dust Boxes or other Conveniences wherein Dust and Ashes may be deposited until removed and carried away to be provided and placed in such of the Streets and Courts as they shall judge necessary.

Common
Stairs, &c.
to be swept
and washed.

CXCVII. And be it enacted, That the Occupiers of every House, Flat, or Story entered by a common Stair or Passage shall cause the Stair and Passages immediately below the Flat or Story possessed by them to be swept every lawful Day, and washed at least twice a Week, and all Areas connected therewith to be swept every lawful Day; and if any Flat or Story of the Tenement be unoccupied, the Occupiers of the Flats or Stories above shall cause the Stairs and Passages below such empty Flat or Story to be swept and washed downwards to the next House which shall be occupied, or to the Street, and the Passages from the Bottom of the Stair, Landing Places, and Steps to the Street shall be swept and washed by the Occupiers of the House or Flat nearest the said Landing Place or Bottom of the Stair; and all Areas and common Passages leading to Cellars shall be cleansed weekly by the Occupiers of the Cellars in the same, or by Parties having a Right to use such Areas or Passages; or who shall use such Areas or Passages; and every Person offending herein shall for each Offence be liable to a Penalty of Five Shillings; and in Cases where the common Stair enters from the Street above, the Occupiers of every House, Flat, or Story, shall be bound to sweep every lawful Day, and wash twice a Week, the Passage and Stair from the Street or Flat immediately above them downwards to the House, Flat, or Story possessed by them, and also to cleanse any Area connected therewith; and if any Flat or Story of the Tenement be unoccupied, the Occupiers of the Flats or Houses occupied shall be bound to sweep and wash the Stair and Passages upwards to the Street, and cleanse the Area, if there be one, or to the next House that shall be occupied, all in like Manner, and under a Penalty of Five Shillings for each Offence: Provided always, that it shall be lawful, under a like Penalty, to compel Owners or Parties having charge of Property to cleanse out Cellars and Apartments which may be unoccupied.

§ 11

CXCVIII. And

CXCVIII. And be it enacted, That it shall be lawful for the Commissioners to take in Lease for a Term of Years, and on such Conditions as they may deem reasonable, or to bargain and agree for the Purchase of Ground for the Purpose of erecting Dungsteads, and to pay the Rent, Price, or Feu Duty of such Ground out of the Funds to be raised for the general Purposes of this Act, either within the said Limits or beyond the same, as may be deemed expedient, and to enclose such Grounds, if it shall be deemed necessary so to do, and to erect and maintain such Number of Urinals and Privies in such Situations as they may deem proper, and to defray the Expense thereof, and any Damage occasioned to any House by the Erection thereof; and in the event of any Difference of Opinion as to the Amount of such Damage, the same shall be fixed and determined summarily by the Sheriff, whose Decision shall be final: Provided always, that it shall not be lawful for any private Party to erect or maintain any Privy for the Use of the Public without the Consent of the Commissioners, or their Inspector of Cleansing, notwithstanding of any Right or Usage to the contrary.

Dungsteads
and Privies
may be
erected.

CXCIX. And whereas the Keepers of Lodging Houses or other Apartments for the Accommodation of Labourers, Mendicants, and other such Persons, for the Night or other short Period, frequently allow the same to be overcrowded, by receiving greater Numbers of Persons than such Lodging Houses or Apartments are adapted to contain with a due regard to Health, and likewise receive and allow Persons affected with Fever and other contagious Diseases to remain therein till Infection has been communicated to other Lodgers, and also receive other Lodgers in Apartments from which diseased Persons have been removed without such Lodging Houses or Apartments and Beds having been subjected to any purifying or disinfecting Process: Be it enacted, That no Keeper of any such Lodging House or Apartment within the Limits of this Act shall accommodate or receive such Lodgers without such Lodging House or Apartment having been inspected and approved of for that Purpose by the Inspector of Cleansing, or other Officer of Police specially authorized; and it shall be lawful to the said Inspector from Time to Time to fix and determine the Number of Lodgers who shall be accommodated in each Apartment of such Lodging House, and by a written or printed Certificate signed by him to license such Lodging House or Apartment accordingly, and to order that a Ticket containing the Number of Lodgers for which each Lodging House or Apartment is licensed, and any Rules or Instructions made by the Commissioners regarding Health, Cleanliness, or Ventilation, shall be hung up or placed in a conspicuous Part of each Apartment into which Lodgers are received; and Keepers of all such Lodging Houses or Apartments shall at all Times allow Access thereto to the Police Surgeon in the Discharge of his professional Duty, and shall also at all reasonable Times give Access, when required, to the said Inspector, or to any other Officer appointed by the Commissioners or Inspector, for the Purpose of Inspection and Inquiry, or for the Purpose of any disinfecting Process which the Commissioners or Inspector, upon the Advice and Recommendation of the Police Surgeon, may order, or which the Commissioners may deem necessary; and if any Keeper of any such Lodging House or Apartment shall

Lodging
Houses for
the Reception
of Mendicants
and
others.

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offend

offend against any of the said Provisions he shall, upon Conviction before the Judge, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and the Name of the Keeper of every such Lodging House or Apartment, the Name and Number of the Street or Place where the same is situated, the Number and Dimensions of the Apartments therein, and the Number of Lodgers for whom such House or Apartments is adapted and is licensed to contain, shall be inserted in a Book to be kept for the Purpose by the said Inspector.

Keepers of such Lodging Houses to report Cases of Disease.

CC. And be it enacted, That all Keepers of such Lodging Houses or Apartments shall, in the event of any Person in their respective Houses or Apartments becoming ill of Fever or any other Disease, forthwith make Intimation thereof to the Superintendent of Police, in order that the Nature of the Complaint of such Person may be ascertained, and the proper Medical Attendance and Treatment insured; and if any Lodger or other Person in any such Lodging House or Apartment shall have been confined to Bed for Forty-eight Hours by Illness, without the Keeper of such House or Apartment making Intimation as aforesaid, such Keeper shall for such Neglect, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings.

When infectious Diseases occur in Houses, Commissioners may adopt Measures for cleansing, &c.

CCI. And be it enacted, That on its being ascertained that any contagious, infectious, or epidemic Disease has occurred in any such Lodging House, or in any House or Apartment in any common Tenement, or in any narrow, densely inhabited, or ill-ventilated Situation, or in any other Place where the Inhabitants of such Houses or Apartments shall not have taken due Precaution against such Disease, and where there may be reasonable Apprehension of such Disease spreading or continuing, it shall be lawful for the Commissioners to cause and direct all proper Measures to be taken for the Fumigation or Disinfection and cleansing of such Houses or Apartments, and for the washing and purifying of the Persons and Clothes of the Inhabitants thereof, as shall appear to the Commissioners to be necessary for the Preservation and Security of the Inhabitants in the Neighbourhood and others against the Danger of Contagion or Infection; and it shall be lawful for any Superintendent, Inspector, or other Person appointed by the Commissioners to enter into any such House or Apartment, and to do or assist in doing or causing to be done all Matters and Things for the Purposes aforesaid; and in the event of Access to such House or Apartment for such Purposes being refused, it shall be lawful for the Judge, on Complaint being made to him by such Superintendent, Inspector, or Person, to grant Warrant for entering such House or Apartment by Force, if necessary.

Superintendent of Streets and Buildings.

CCII. And be it enacted, That it shall be the Duty of the Superintendent of Streets and Buildings to be appointed by the Commissioners to take the Charge and Superintendence of the Pavements, and also of the whole Streets and Courts, Drains, Common Sewers, and other similar Places and Premises within the Limits of this Act, so far as the whole of these, or Part of them, are by this Act placed under the Control of the Commissioners; and, in particular, it shall be the Duty

Duty of such Superintendent to see that the Provisions of this Act are carried into effect in relation to the making and repairing of Pavements and Causeways; the Construction and Repair of Drains and Common Sewers; the Erection of Pipes for conveying Rainwater from Roofs, of Foul-water Pipes, Sinks, and Soil Pipes; the Repair and Security of Windows in common Stairs; the Repair of Area Gates and Railings, and of Railings and Walls adjoining to or fronting any Street or other Place open and patent to the Public; the Repair and Removal of Tenements and other Buildings or Erections in an insecure, ruinous, or waste Condition; the Repair of Chimney Stalks, Chimney Heads and Cans, and other Erections thereon; the numbering and naming of Houses and Streets; the Consumption or Prevention of Smoke; that Building Materials, Excavations for Buildings, and other Operations are sufficiently fenced and lighted; or, where any Building Materials are deposited or any Erection is formed, that the same shall be so fenced or guarded while the Operations are in progress as that the Inhabitants may not be injured; and to discharge all such other Duties as by this Act, or by any Bye Law, Regulation, or Order made in virtue thereof, may from Time to Time be assigned to him.

CCIII. And be it enacted, That where any House or other Erection, of whatever Form or Material, or any Part thereof, within the Limits of this Act, shall become insecure, ruinous, or in any other Way dangerous to the Safety of Inhabitants or other Persons therein, or the Cause of Nuisance to Passengers or other Persons in the Neighbourhood, it shall be lawful to the Dean of Guild of the said City, or to the Sheriff, according as such House or other Erection shall be situated within their respective Jurisdictions, and they and each of them are hereby authorized, on the Complaint of the Procurators Fiscal of their respective Courts, or of any private Party having Interest, with Concurrence of the said Procurators Fiscal, or on the Complaint of the said Superintendent of Streets and Buildings, setting forth the insecure, ruinous, or dangerous or filthy Condition of such House or other Erection, to remit to any competent Tradesman or other Surveyor to inspect such House or other Erection; and if such Surveyor shall report that the said House or other Erection, or any Part thereof, is in the Condition set forth in such Complaint, or the Cause of Nuisance in the Neighbourhood, the said Dean of Guild or Sheriff respectively to whom such Complaint may have been made, and by whom the Remit has been so granted, shall order the Owner of such House or other Erection forthwith to repair or secure such House or other Erection, or to pull down, remove, and clear out the same, as the Nature of the Case may require; and failing such Order being complied with it shall be lawful to the said Dean of Guild or Sheriff respectively to grant Warrant to repair and secure, or to pull down, remove, and clear out such House or other Erection; and the Owner neglecting or refusing to repair and secure, or to pull down, remove, and clear out such House or other Erection, after such Order shall have been made and intimated, shall for every Day such Neglect or Refusal shall continue forfeit and pay any Sum not exceeding Five Pounds, besides defraying the whole Expense incurred in repairing and securing, or pulling down, removing, and clearing

Ruinous Houses to be secured or taken down.

clearing out such House or other Erection as aforesaid; and if immediate Danger is apprehended to the Inhabitants of such House or Erection, or to Passengers or other Persons, it shall be lawful for the said Dean of Guild or Sheriff respectively, upon an Application to them as aforesaid, to cause the Occupiers of such House or other Erection to be removed therefrom, with their Furniture and Goods, and also, if need be, to order the Streets in which such House or Erection is situated, or Part thereof, to be shut up, and to remain shut up until the necessary Operations or Repairs shall have been made.

Power to
Dean of
Guild, &c. to
order the
rebuilding
or selling
waste and
ruinous
Tenements.

CCIV. And whereas within the Limits of this Act there are and from Time to Time have been many Houses, Buildings, and other Tenements which have become waste and ruinous, and made Receptacles for Filth and other Nuisances, and which, being held by Two or more joint Owners, could not and still cannot be rebuilt or disposed of to advantage without the Consent of all the Parties interested therein, and the same have been allowed to continue in a waste and ruinous State, in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, whereby great Loss and Inconvenience have been suffered, and public Improvement impeded: Be it enacted, That from and after the passing of this Act it shall be lawful to the said Dean of Guild or Sheriff respectively, upon the Application by Petition of the Procurator Fiscal of their respective Courts, or of the said Superintendent of Streets and Buildings, or of any Owner or Party interested in any Houses, Buildings, or other Tenements belonging to Two or more joint Owners, or which are divided among Two or more Owners holding or possessing separate Floors or Stories thereof, and which shall be pulled down for the Safety of Passengers, or which may by Lapse of Time and natural Decay have become ruinous and the Cause of Nuisance, or been so far consumed by Fire or otherwise rendered unsafe and unfit for Use or Occupation, and may have so continued for the Space of One Year before the passing of this Act, or at any Time thereafter, for One Year previous to the Date of such Application, to call all Parties interested therein before the said Dean of Guild or Sheriff in the usual Manner and Form followed in their Court respectively, and to order such Tenements to be valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement and the corresponding Proportion of the appraised Value which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from or to sell and convey to the others their respective Portions of or Interests in such Tenements agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the said Judge, not exceeding Six Weeks.

Tenements
may be
ordered to
be exposed
for Sale by
public
Auction.

CCV. And be it enacted, That in case any of the said Parties shall fail to take advantage of such Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Dean of Guild or Sheriff respectively to cause such Tenements to be exposed to Sale by public Auction,

Auction, at a Price not being less than the appraised Value, and, in case of no Offerers, to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the said Judge shall appoint; and the Purchaser thereof shall be taken bound, within Ten Days after the Sale, or within such Time as may be fixed by the said Judge, to consign or deposit the whole Amount of the Purchase Money in any Bank in *Edinburgh* established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of such Judge, otherwise the Sale to be void and null; and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the said Judge.

CCVI. And be it enacted, That upon such Deposit being so made the said Judge shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

Possession
may be given
to Pur-
chaser.

CCVII. And be it enacted, That in case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the said Judge to cause the Tenements to be re-exposed and sold of new; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the said Judge shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

Tenements
may be re-
exposed in
case of
Purchaser
failing to
perform
Conditions
of Sale.

CCVIII. And be it enacted, That upon the Completion of any such Sale the said Judge, on the Application of any of the Parties concerned, shall, upon such legal Evidence by Writing, Witnesses, Oath of Party, or Report of skilled Persons upon Oath, or otherwise as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the said Judge may pronounce.

Extent or
Value of
Shares or
Proportions
to be fixed,
and Prices
to be
divided.

CCIX. And be it enacted, That where no Person having Interest as an Owner in such ruinous or waste Houses, Buildings, or other Tenements can be discovered, after Advertisement in Three several Newspapers published in *Edinburgh*, setting forth the State of said Property, and intimating that if no Attention be paid to such Advertisement within One Month from the Date thereof Application will be made to the

Provision
where
Owner of
waste Pro-
perty cannot
be dis-
covered.

[Local.]

16 E

said

said Dean of Guild or Sheriff respectively to enforce the Provisions of this Act in respect to such Property, then it shall be lawful for the respective Parties foresaid to make such Application, and to follow out Proceedings in regard to such Property in all respects as if the same had been claimed by any Person interested therein.

Chimney
Stalks, &c.
to be re-
paired and
secured.

CCX. And be it enacted, That when, in consequence of Storm or otherwise, Chimney Stalks or Flues, or Chimney Heads or Cans, or Rhones, Sign Boards, or any other Matter or Thing connected with or appertaining to Buildings within the Limits of this Act, have become damaged, or, in Appearance, dangerous to the Inhabitants or to Property in the Vicinity, it shall be lawful to the Procurators Fiscal of the Sheriff or Dean of Guild Courts or Superintendent of Streets and Buildings respectively, by a Writing under his Hand, to require the Owner of the Building to which the same shall belong or be attached, or the Owner of such Sign Boards or other Matter or Thing, to repair and secure the same within a reasonable limited Time, and also forthwith to fence or secure the same so as to prevent Accident; and in the event of such Owner not being known, or, if known, residing or being at a Distance which may not admit of such Notice being given and duly attended to, it shall be lawful for the Procurators Fiscal or Superintendent of Buildings to employ Tradesmen to fence and secure the Premises as aforesaid, and to execute the necessary Repairs as aforesaid, for the Expense of which, as ascertained by the said Dean of Guild or Sheriff respectively, the Owner shall be responsible, and which Expense may be claimed from and paid by the Occupiers or any of them as a preferable Debt, and deducted from the Rent payable by such Occupiers, or may be sued for and recovered, with full Costs of Suit, from the Owner, in the Court of the Judge Ordinary of the Bounds in which he resides.

Iron Plates
covering
Openings to
be fluted;

and Build-
ings left in-
secure to be
guarded.

CCXI. And be it enacted, That where Openings in the Foot Pavements, or in Courts or Closes, for underground Cellars or other Apartments, are covered with Iron Plates, such Plates shall be fluted or otherwise formed so as to prevent Injury to Passengers from sliding upon them; and it shall be lawful to the Dean of Guild or Sheriff respectively, upon the Application of the Procurators Fiscal of their respective Courts, or of the Superintendent of Streets and Buildings, to cause all Plates or Coverings not so formed to be removed, and a safe and proper Plate or Covering to be supplied, at the Expense of the Owner; and when, from Accident, Negligence, or otherwise, any Building or Part of a Building, or anything therewith connected, shall become insecure, or any Aperture shall be left open, so that any Inhabitant or Passenger may be endangered, it shall be lawful to the Superintendent of Police, or any Officer acting under him, or to the Superintendent of Streets and Buildings, to cause the same to be fenced or guarded, at the Expense of the Owner of such Building, or the Occupier of any Premises with which such Aperture may be connected, and such Expense may be recovered by an Action before any competent Court.

Foot-
scrapers,
Doors, and

CCXII. And be it enacted, That it shall not be lawful for any Person to cause any Iron Foot-scraper or other similar Obstruction to be placed
on

on the Pavement, and beyond the Plane of the front Wall of any Tenement, and all Doors and Gates leading to Buildings, Yards, or Grounds shall be so placed or formed as not when opened to project over or upon any of the Pavements, Streets, or Courts; and if any such Scrapper or other Obstruction, Door or Gate, shall have been constructed otherwise, it shall be lawful to the Dean of Guild or Sheriff, on the Application of the Procurator Fiscal of their respective Courts, or of the Superintendent of Streets and Buildings, to alter or cause the same to be altered, at the Expense of the Owner and Occupier.

Gates not to project.

CCXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets and Courts within the Limits of this Act to be numbered, and to cause to be affixed or painted, in a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street and Court, the Name by which such Street or Court is known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up or continue and retain any Number or Name different from the Number or Name put up by the Commissioners, or similar to a Number or Name previously attached to another House, Street, Court, or Place, so as to occasion Confusion, he shall, upon Conviction thereof before the Judge of Police, be liable to a Penalty not exceeding Forty Shillings for every such Offence; and the Commissioners shall be entitled to cause such Name or Number to be altered, and to affix the proper Number or Name, at the Expense of the Person so offending, and which Expense may be recovered by an Action before any competent Court.

Houses to be numbered, and Streets named.

CCXIV. And be it enacted, That if the Owner of any House or of any Sunk Area shall fail to put into good Repair the Area Gates or Railings of any such House or Area, whereby the Safety of the Public may be endangered, within Six Days after due Intimation given to him by the Superintendent of Streets and Buildings, he shall, upon Conviction before the Judge of Police, be liable to a Penalty not exceeding Twenty Shillings for each Refusal or Neglect, and it shall be lawful to the said Superintendent to get such Repairs made as may be necessary; and the Expenses and Charges connected therewith may be recovered from such Owners by an Action before any competent Court, according to the Rents of their respective Properties.

Area Gates and Railings to be kept in repair.

CCXV. And be it enacted, That where any House shall be in the course of building or repairing, or other Operations of the like Kind carrying on, or where Stone, Lime, Sand, Wood, or other Materials shall be deposited, or any Erection shall be formed in any of the Streets or Courts within the Limits of this Act, the Openings, Foundations, or Grounds adjoining, and the Deposits or Erections, shall be fenced in so that the Inhabitants may run no Risk of Injury from the same, and shall be fenced by the Persons making the same or causing the same to be made at their own Expense; and in like Manner, where any Opening shall be made in any of the Streets or Courts within the said Limits, for the Purpose of digging Foundations for building, for paving the Streets and Courts, for digging Wells and Drains, laying Pipes, or any other Purposes, or in case any such Erections or Deposits

Houses being built or repaired to be fenced in.

Deposits shall be made, the Persons making or causing to be made such Openings, Foundations, Deposits, or Erections, and the Persons employed or concerned therein, shall, at their own Expense, cause a sufficient Rail or Fence to be put round such Openings, Foundations, Deposits, or Erections, and shall around and on the Outside of such Enclosure, if the Foot Pavement or Path is in any degree obstructed, provide a Footway for Passengers, fenced and railed off towards the Causeway or Street to the Breadth of at least Four Feet, which Fence or Railway shall be of sufficient Strength to protect Passengers from Injury from Horses, Beasts of Burden, Carts, Carriages, or other Conveyances, and shall also cause Lamps or Lights to be affixed at or near such Openings, Foundations, Deposits, or Erections, to be kept burning every Night from Sunset to Sunrise, while they shall remain; and in case any such Persons shall refuse or neglect to fence such Openings, Foundations, Deposits, or Erections, or to provide such Footway, or to affix and keep burning such Lamps or Lights in manner aforesaid, it shall be lawful for the Judge of Police, on the Complaint of the Superintendent of Police, to fine the Persons so offending in any Sum not exceeding Forty Shillings each for each Day or Night that the same may remain without a sufficient Fence and Footway as herein directed, and without such Light or Lights during the Night, and also to order such Openings, Foundations, Deposits, or Erections to be fenced and Footway made, at the Sight of the Superintendent of Streets and Buildings, and Lamps or Lights to be affixed and kept burning, at the Expense of the Persons employed or concerned therein, which Expense may be recovered from such Persons by an Action before any competent Court; reserving always to any Party who may suffer Injury by such Operations to prosecute for Reparation and Damages according to Law.

Cellars of unfinished Tenements to be built up.

CCXVI. And be it enacted, That where any House shall be in the course of building it shall be imperative upon the Owner or Contractor building the same to build up the Cellars in the Building, except where it is necessary for the Purposes of the Building that Access should be had thereto, and wherever any Streets are laid out, and partially or wholly formed, and Cellars are constructed under them, for the Use of the Houses intended to be subsequently built along such Streets, it shall be imperative upon the Owner of the Ground upon which such Streets are laid out or formed to build up the Cellars constructed therein, so as to prevent Access thereto, and to keep them so built up until such Time as the said Cellars are required for the Use and Accommodation of the Houses to be built along the said Streets, and to fence such Ground by a Paling or otherwise; and wherever stagnant Water accumulates in Cellars or in the lower Parts of any Buildings, or in Excavations made for the Purposes of building, it shall be imperative upon the Owner of the Ground upon which such Cellar, Building, or Excavation shall be formed to prevent the said Accumulation of Water, or to remove the same, under a Penalty, to be imposed by the Judge of Police upon Conviction, not exceeding Forty Shillings for each Refusal or undue Delay in complying with this Enactment, over and above Performance, after an Intimation made by any of the Officers
of

of Police to that Effect; and it shall be lawful to the Superintendent of Streets and Buildings to build up the said Cellars, fence the said Ground, and remove any such stagnant Water, at the Expense of such Owner, which Expense may be recovered by an Action before any competent Court.

CCXVII. And whereas it would be greatly for the Convenience and Benefit of the Inhabitants residing within the Limits of this Act that proper Foot Pavements were made in Situations where the Commissioners shall consider the same requisite: Be it enacted, That the Owners of all Houses and other Buildings, or of Gardens and Grounds, whether Buildings are erected on the same or not, which are adjoining to or fronting any Street or Court, shall, where such Pavement shall be deemed requisite, (excepting the Gardens and Grounds opposite to *Princes Street*, and the Gardens and Grounds opposite to *Queen Street*, the Footroads along and adjoining the South and North Sides of which shall be paved and upheld as at present,) at their own Expense, and on being required so to do by the Commissioners, cause the Ground before their Property respectively on the Sides of the said Streets and Courts to be well and sufficiently paved with flat hewn or other Stones, or in such other Manner and Way as the Commissioners may direct and appoint.

Foot Pavements to be made.

CCXVIII. And be it enacted, That in case such Owners shall refuse or neglect to comply with such Requisition it shall be lawful to the Dean of Guild or the Sheriff, in any Case where the Place required to be paved is within the Royalty, or the Sheriff, where such Place or any Part of it is situated or the Owners or any of them reside beyond the Royalty, on the Application of the Procurators Fiscal of their respective Courts, or of any private Party having Interest, with Concurrence of the said Procurators Fiscal, or on the Application of the Superintendent of Streets and Buildings, to cause such Pavements to be made, at the Charge and Expense of such Owners respectively; and in case such Owners shall refuse or neglect to pay such Charges and Expenses, when required, it shall be lawful to the said Dean of Guild or Sheriff respectively, in their proper Courts, to decree such Charges and Expenses to be paid by such Owners, either to the Tradesmen by whom the Work shall have been done, or to any other Person to be named by the said Dean of Guild or Sheriff, with the additional Expense incurred in recovering the same; and in the event of such Charges and Expenses not being paid the same shall form a Debt or Burden on the Property in reference to which they were incurred preferable to all other Debts or Burdens, except Government Taxes; and it shall be competent to the Commissioners, or Person in whose Favour said Charges and Expenses are decreed for, to raise Actions of Mails and Duties before the proper Courts, and to enter into possession, and draw the Rents of such Properties, until they are fully paid and satisfied of said Charges and Expenses, and all Costs incurred in reference thereto.

Sheriff or Dean of Guild may order Pavements to be made.

CCXIX. And be it enacted, That in every Case where the Burden of maintaining the Causewaying or Foot Pavements or Footpaths

[Local.]

16 F

Owners of Houses may mac- within

adamize,
relay, or
widen the
Streets.

within the Limits of this Act is not imposed upon the *Edinburgh* City Paving Board, or the Trustees of the Highways for the County of *Edinburgh*, it shall be lawful to any Three or more of the Owners to call a Meeting of all the Owners of Houses in any Street or Court within the said Limits by Advertisements inserted Once in Two Newspapers published in *Edinburgh*; and if the Owners present at such Meeting, either personally or by others holding Mandates, or otherwise duly authorized by them, shall resolve, by Two Thirds of their Number in Value of Rental as stated in the Police Rent Roll, that such Street or Court shall be laid with Stones in the Manner commonly called macadamized, or repaired or laid with Causeway Stones, or relaid or repaired therewith, or that the Foot Pavements or Footpaths which they are liable to maintain shall be repaired or repaved or widened, it shall be lawful to any Three or more of the said Owners to apply to the said Dean of Guild or Sheriff within their respective Bounds, and it shall be lawful to the said Dean of Guild or Sheriff and he is hereby authorized to grant Authority to the Superintendent of Streets and Buildings or to the Surveyor of the District of Roads in which such Street or Court is situated to cause the same to be macadamized or repaired, or laid, relaid, or repaired with Causeway Stones, or such Foot Pavements or Footpaths to be repaired, or repaved, or widened; and upon the same being done, and the Expense thereof reported by the said Superintendent of Streets and Buildings or Surveyor of Roads, the said Dean of Guild or Sheriff shall apportion the Expense thereof, and of such Application, among the Owners of Houses in such Street or Court, and decern against them for the Sums due by them respectively: Provided always, that it shall be in the Power of the said Dean of Guild or Sheriff to order the Work authorized by this Enactment to be done in such Way and Manner as to either of them may, under all the Circumstances of the Case, be deemed reasonable and proper.

Pavements,
&c. to be re-
paired by
the Owners
liable there-
for, on In-
timation
from the
Superin-
tendent.

CCXX. And be it enacted, That where any Part of the Pavement, Carriageway, Footpaths, Pipes, Drains, or Common Sewers, or any Streets or Courts and other Places within the Limits of this Act, shall be out of Repair, or, in the Opinion of the said Superintendent of Streets and Buildings, require to be put in a proper Condition, it shall be lawful for the said Superintendent and he is hereby required, in all Cases where the Owners liable to make such Repair shall reside within the Limits of this Act, to give a written or printed Intimation to them, requiring them to make such Repairs and Alterations within a reasonable Time, to be specified in such written or printed Intimation, and where such Owners shall reside beyond the said Limits, to give written or printed Intimation to the Occupiers of the Houses, Shops, and other Buildings, or Gardens and Grounds, in reference to which the Obligation to make the Repairs arises, of the Nature and Extent of the Repairs or Alterations which shall appear to the said Superintendent to be necessary; and failing of due Attention being given thereto within Six Days it shall be competent to the Superintendent of Police to cite such Owners if they shall reside within the said Limits, or the Occupiers if the Owners shall reside without the said Limits, to appear before the Judge, who shall consider and decide as to the Nature and Extent of

of the Repairs or Alterations which shall appear to him to be necessary, and intimate the same to the said Owners or Occupiers, requiring them to get the said Repairs and Alterations executed within a certain Time, at the Sight of the Superintendent of Streets and Buildings; and failing their complying with the said Deliverance of the Judge, the said Superintendent of Police shall forthwith apply to the Judge, and receive his Authority to get such Repairs and Alterations made, and to get the Owners or Occupiers (to the Extent after mentioned) found liable in the Expense of the same and in all Charges connected therewith, according to the Rents of the respective Houses, Shops, and other Buildings, and Gardens and Grounds, as the same shall be ascertained by the Rent Roll or Valuation by which the Assessments authorized by this Act shall be levied for the Year in which such Repairs shall require to be made, which Charges and Expenses may be recovered in any competent Court, and further, to subject such Owners or Occupiers in a Penalty for neglecting the said Intimations not exceeding Forty Shillings each, which shall be recoverable at the Instance of the said Superintendent of Police: Provided always, that where Property adjoining any Court shall be waste or unproductive the Expense of repairing and keeping in repair the Causeway and Pavement shall be borne by the Trustees of the Roads of the District in which such Court is situated.

CCXXI. And be it enacted, That every Owner of Heritable Property in or entering from any Court shall be bound at all Times to have and keep the Footway sufficiently paved with hewn or flat Stones, and to have and keep the Water Channels in a fit and proper State of Repair. Owners to pave Courts.

CCXXII. And be it enacted, That no Occupier shall be liable to pay at any One Time more than the Half Year's Rent of the Houses, Shops, or other Buildings, or Gardens or Grounds, occupied by him as a Tenant, which shall be current at the Time when the said Repairs or other Operations which may be authorized or ordered under this Act shall be made; but if such Half Year's Rent shall not be sufficient to pay the Proportion of the said Repairs corresponding to the Rent of the Houses, Shops, or other Buildings, or Gardens or Grounds, occupied by him as aforesaid, and he shall continue to occupy the same after the Expiration of the Half Year, he shall be liable to pay the Balance of such Proportion, provided the same shall not exceed the future Rents which shall become due and payable by him; without Prejudice to the said Superintendent of Police or those employed to execute such Repairs to recover Payment from the Owners of such Houses, Shops, and other Buildings, or Gardens or Grounds, which shall not be recovered from the Occupier, with Interest and Expenses, by an Action or Process of Law before any competent Court. Occupiers not liable to pay more than the current Half Year's Rent for Repairs of Pavements, &c.

CCXXIII. And be it enacted, That in the event of any Occupier of any House, Shop, or other Building, or Gardens or Grounds as aforesaid, being called on to defray, and having defrayed, which he is hereby authorized to do, any Part of the Expense of repairing the said Pavements, Carriageways, Footpaths, Pipes, Drains, or Common Sewers, or of any other Operation ordered under this Act, such Occupiers may retain Amount paid from Rent.
Occupier

Occupier shall be entitled and he is hereby authorized to deduct or retain the Sum so paid by him from the Rent due and payable or which may become due and payable by him to the Owner of the House, Shop, or other Building, or Gardens or Grounds, occupied by him as aforesaid.

Citation of Owners living beyond the Limits.

CCXXIV. And be it enacted, That in all Petitions, Complaints, or other Actions to be raised under this Act against the Owners of Houses, Shops, or other Buildings, or Gardens or Grounds, in reference to Pavements, Drains, or otherwise, where all or any of such Owners reside beyond the Jurisdiction of the Judge before whom such Action is brought, it shall be competent to cite such Owner by delivering the Citation to his known Factor or Agent or Person drawing the Rents, or if there be no Factor, Agent, or Person drawing the Rents, to any of the Occupiers of the Premises, whose Premises shall be held the Domicile of such Owners with reference to such Action, and the Occupiers shall be bound to communicate such Citation to such Owners or their Factors, or to the Persons drawing such Rents, under the Penalty of Forty Shillings for each Failure so to do.

Superintendent to give Notice to Water or Gas Companies of Pipes being out of Repair.

CCXXV. And for the more speedy and effectual repairing and relaying the Pavements of the Streets, Courts, and Places within the Limits of this Act which shall at any Time hereafter happen to be sunk, broken, injured, or damaged, by reason or means of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water or Gas Company, and laid beneath the Surface of such Pavements, or of relaying or repairing any such Pavements which shall be broken or taken up for the Purpose of repairing any such Pipe, be it enacted, That it shall be lawful for the said Commissioners, if they shall deem it proper and expedient, to cause a written or printed Notice to be given to the Water or Gas Company to whom such Pipe shall belong, and to cause a Copy of such Notice to be left at the Office or Counting-house of such Water or Gas Company, requiring them forthwith to repair and make good such Pavements; and if any Water or Gas Company to or for whom such Notice or Copy thereof shall be given or left as aforesaid shall not within Three clear Days next after such Notice is given or left to or for them as aforesaid take up such Pavements, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaved, to the Satisfaction of the Commissioners or of their Superintendent of Streets and Buildings for the Time being, then such Water or Gas Company shall for every such Offence, on Conviction before the Judge of Police, forfeit and pay any Sum not exceeding Ten Pounds.

Regulating Water-cocks, Gas-plugs, &c.

CCXXVI. And be it enacted, That from and after the passing of this Act it shall not be lawful to place on the Surface of the Pavements within the said Limits any Water-plates, Gas-plugs, Stop-cocks, Tobbies, Coverings, or Openings connected with the Service or Branch Pipes of Gas, Water, or other Companies, but the same shall, in all Cases where practicable, be placed in the Back-lay, or that Portion of the Street between the Curbstone of the Foot Pavement and the
Water

Water Run of the Street; and it shall be lawful to the Commissioners, if they shall think it expedient, to remove or cause to be removed all existing Water-plates, Gas-plugs, or others foresaid, at present on the said Pavements, to the aforesaid Portion of the Street, and to defray the Expense attending such Removal out of the Funds levied for the general Purposes of this Act.

CCXXVII. And be it enacted, That from and after the passing of this Act the Owner or Occupier of any public Work, Workshop, or Yard, where more than Six Individuals are usually employed, shall, where in the Opinion of the Superintendent of Streets and Buildings the same is practicable, provide a Water-closet or Privy for the Use of his Workpeople, fitted up with proper Convenience for keeping the same clean to the Satisfaction of the Inspector of Cleansing; and failing his doing so within Ten Days after he shall be required by Notice in Writing from the said Inspector such Owner or Occupier shall, upon Conviction before the Judge, be liable to a Penalty not exceeding Forty Shillings.

Water-closets or Privies in Workshops.

CCXXVIII. And be it enacted, That the Owners of all Houses and other Buildings fronting any Street or Court where there are no Sunk Areas between the Houses and the Foot Pavement shall cause the Water from the Roofs of such Houses or Buildings to be conveyed in Leaden or other Pipes, affixed against or on the Sides or Fronts of such Houses or Buildings, and passing below the Foot Pavements, so that the same shall be discharged either into the contiguous Water-channels, or into the nearest Common Sewers, whether such Sewers shall have been formed and are upheld at the public Expense or by private Parties, and which Pipes such Owners shall be bound to keep clean and in repair, at their own Expense; and in case such Owners shall refuse or neglect to cause the Water to be conveyed from Roofs as aforesaid, and the Pipes to be kept clean and in repair, they shall, upon Conviction before the Judge, for every Offence be liable to a Penalty not exceeding Forty Shillings each; and, besides, it shall be lawful to the said Dean of Guild or Sheriff, on the Complaint of the Procurator Fiscal of their respective Courts, or of the Superintendent of Streets and Buildings, which Complaint he is hereby authorized to make, to cause the Pipes which may be necessary to be affixed, and, when necessary, to be repaired and cleaned, at the Charge and Expense of such Owners respectively, who shall be liable for the same in proportions corresponding to the Rents of their respective Properties, unless otherwise provided for by the Titles of the Subjects; and in case such Owners shall refuse or neglect to pay such Charges, when required, it shall be lawful to the said Dean of Guild or Sheriff to decern such Charges and Expenses to be paid by such Owners either to the Tradesman by whom the Work shall have been done, or to any other Person to be named by the said Dean of Guild or Sheriff, with the additional Expense incurred in recovering the same: Provided always, that it shall not be lawful to connect any Water-closet, Soil-pipe, or Foul-water Pipe, or Pipe constructed to discharge Kitchen Soil, with any Pipe for the Conveyance of Rain-water from the Roof of any Building to the Street.

Water from Roofs of Houses to be conveyed in Pipes.

[Local.]

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CCXXIX. And

Power to
make Drains
and Sewers.

CCXXIX. And whereas it would be greatly conducive to the Health of the Inhabitants residing within the Limits of this Act that there should be proper Drains and Sewers in and along and under the leading Streets of the said City, and such other Streets or Courts as to the Commissioners may seem necessary: Be it enacted, That it shall be lawful to the Commissioners and they are hereby authorized to cause Drains or Common Sewers, of sufficient Dimensions, to be constructed in, along, and under the *High Street*, the *Canongate*, and such other Streets or Courts as are at present without proper Drains and Sewers, and in, along, and under which the Commissioners shall consider Drains or Sewers to be necessary; and where Drains or Sewers already exist, but are considered by the Commissioners to be inadequate, it shall be lawful to them to cause such existing Drains or Sewers to be repaired or reconstructed or enlarged, as to them may seem necessary, the Expense of constructing such Drains or Sewers, and from Time to Time repairing, reconstructing, or enlarging such existing Drains or Sewers, to be assessed upon, levied from, and defrayed by the Owners of the Houses or other Properties situated in the said Streets or Courts respectively in, along, and under which such Drains or Sewers are constructed, repaired, reconstructed, or enlarged, in Proportions corresponding to the yearly Rents or Values of their respective Properties; or the Commissioners, if they shall judge it more expedient, may apply to the Dean of Guild or the Sheriff, in any Case where the Street or Court in, along, and under which the Drain or Sewer is required is situated within the Royalty, or to the Sheriff where such Street or Court or any Part thereof is situated beyond the Royalty, and the Dean of Guild or Sheriff shall cause an Inspection to be made of the Place proposed to be drained, and fix and determine the Line and Dimensions of the Drains or Sewers required, and grant Warrant for their Construction, Repair, Reconstruction, or Enlargement, as the Case may be, and thereafter decern against such Owners in the Proportions foresaid for the Expense of the same, and for the Expense of Process and Decree: Provided always, that if in making or enlarging any such Drain or Sewer any private Drain or Sewer shall be taken or made use of, Compensation shall be made to the Owner thereof, and in case of Difference as to the Amount of such Compensation the same shall be fixed by the Dean of Guild or Sheriff: Provided always, that in making any such Main Drains or Common Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Water at present carried into any existing Outlet shall not be diverted therefrom.

Furnaces
to consume
their own
Smoke.

CCXXX. And be it enacted, That from and after the First Day of *January* next after the passing of this Act every Furnace employed or to be employed in the working of Engines by Steam, or in any Mill, Factory, Dye-house, Iron Foundry, Glass-house, Distillery, Brewery, Gasworks, or other Building used for the Purposes of Trade or Manufacture, (although a Steam Engine be not used or employed therein,) shall, in all Cases where the same shall be practicable, be constructed so as to consume or burn the Smoke arising from such Furnace, notwithstanding of the Owner or Occupier thereof having previously adopted other
other

other Means, if such Means have not been attended with full Success; and if any Person shall after the said First Day of *January* next use any such Furnace which shall not be so constructed as to consume or burn its own Smoke, or shall so use any Furnace constructed to consume or burn its own Smoke as that the Smoke arising therefrom shall not be effectually consumed or burned, or shall carry on any Trade or Business which shall occasion any noxious or offensive Effluvium, or otherwise annoy the Neighbourhood or Inhabitants, without using the best practical Means for preventing or counteracting such Annoyance, every Person so offending shall be liable to a Penalty not exceeding Five Pounds for and in respect of every Week during which such Furnace or Annoyance shall be so used and continued after One Month's Notice shall have been given to him by the Commissioners to remedy or discontinue the same: Provided always, that nothing herein contained shall apply to the Furnaces used by Brewers for Wort-coppers, so long as such Brewers employ a properly qualified Fireman to attend to such Furnaces; and that, in the event of Difference as to the Qualification of the Fireman in any Brewery, the Burden of Proof that the Fireman is properly qualified shall be on the Brewer: Provided also, that all Complaints made in regard to this Matter shall be judged of by the said Dean of Guild and Sheriff respectively, on the Application of the Procurators Fiscal of their respective Courts, or of any private Party having Interest, with the Concurrence of the said Procurators Fiscal, or on the Application of the Superintendent of Streets and Buildings.

CCXXXI. And be it enacted, That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, shall be incorporated with this Act; and the Expression "the Undertakers" in the said Gasworks Clauses Act shall, in reference to this Act, mean and include any Person whom the Commissioners may contract with or employ to supply any Gas within the Limits of this Act.

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

CCXXXII. And be it enacted, That it shall be lawful for the Magistrates from Time to Time to license such Number of Hackney Coaches, of any Kind or Description, to ply for Hire within the Limits of this Act, as they shall think fit, and to prevent all others not licensed from plying for Hire or occupying any Part of the Streets within the said Limits.

Hackney Coaches to be licensed.

CCXXXIII. And be it enacted, That every Licence so to be granted shall be signed by the Magistrates or any One of them, and shall express the Number of the Hackney Coach, and shall not include more than One Coach so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any such General Licensing Day shall be appointed by the Magistrates, as they are hereby authorized to do.

Licences.

CCXXXIV. And

Licences to be registered.

CCXXXIV. And be it enacted, That every Licence shall be made out by the Clerk to the Magistrates, and duly entered in a Book to be provided by them for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Coach shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Coach; and for every such Licence there shall be paid to the said Clerk the Sum of One Shilling.

Licences may be suspended or revoked for Misconduct.

CCXXXV. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Hackney Coach, be suspended or revoked by the Magistrates or any of them, as they shall deem right.

Penalty for plying without a Licence.

CCXXXVI. And be it enacted, That if the Driver of any Hackney Coach shall be found standing or plying for Hire or using any such Coach, within the Limits of this Act, without such Coach being licensed by the Magistrates, the Owner or Driver of the Coach so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Persons refusing to pay the Fare.

CCXXXVII. And be it enacted, That if any Person shall refuse to pay, on Demand, the regular Fare due by him for the Hire or Service of any licensed Hackney Coach, he shall be liable to a Penalty not exceeding Ten Shillings.

Drivers of Coaches to be licensed.

CCXXXVIII. And whereas it is expedient that the Drivers of Hackney Coaches should be licensed: Be it enacted, That every Person shall be licensed by the Magistrates before he shall act as Driver of any Hackney Coach licensed in pursuance of this Act to ply for Hire within the said Limits; and that every such Licence shall be registered at the Office of the Clerk to the Magistrates, a Certificate of which Registry shall be given to every such Person upon Payment of the Sum of One Shilling; and every Person neglecting to register his Licence shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver not licensed.

CCXXXIX. And be it enacted, That if any Person shall act as such Driver as aforesaid without having obtained such Licence, or if any Driver being duly licensed shall lend or part with his Licence or Badge, or if the Proprietor of any such Hackney Coach shall employ any Person as the Driver thereof who shall not have obtained such Licence, every such Person, and every such Proprietor, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Bye Laws for regulating Hackney Coaches.

CCXL. And be it enacted, That for better regulating the Hackney Coaches to be so licensed as aforesaid it shall be lawful for the Magistrates from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For

For regulating the Number of such Hackney Coaches :

For regulating the Number of Persons to be carried by such Coaches, and what Number of Horses are to draw the same :

For fixing, altering, and regulating the Stands of such Coaches, and the Distance to which such Hackney Coachmen or Persons attending the Coaches shall be obliged to drive, not exceeding Seven Miles from the Cross of *Edinburgh* :

For fixing the Rates or Fares to be paid for such Hackney Coaches :

For punishing the Misconduct of Hackney Coachmen and Persons attending such Carriages, whether in the way of Imposition by demanding or receiving more than the regular Fare or otherwise :

And the Magistrates may from Time to Time, as they shall think fit, repeal any such Bye Laws, and make others in their Stead; which Bye Laws, before being put in force, shall be inserted at least Once in Three several Newspapers published in *Edinburgh*, and otherwise as the Magistrates shall direct.

CCXLI. And be it enacted, That it shall be lawful for the Magistrates by the Bye Laws so to be made by them to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Forty Shillings for any One Offence, and to provide for the Recovery of such Penalties: Provided always, that such Bye Laws shall be so framed as to allow the Magistrates before whom any Penalty imposed thereby may be sought to be recovered to order the whole or any Part of such Penalty to be remitted.

Bye Laws may be enforced by Penalties.

CCXLII. And be it enacted, That if any Person shall wilfully cut, break, or injure any Hackney Coach such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Hackney Coach or Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by any of the said Magistrates before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Penalty for damaging Hackney Coach.

CCXLIII. And be it enacted, That no Person shall be entitled to act as a Chairman, public Carter, Porter, Chimney Sweeper, or Carrier of Coals for Hire, within the Limits of this Act, until he is licensed to act in either of these Capacities by the Magistrates, who shall cause a Register of such Persons to be kept, and, if they see Cause, exact Security for their Honesty and good Conduct; and such Persons, when so licensed, shall be subject to such Regulations as the Magistrates may make as Conditions of such Licence, or otherwise for their Government, and for the Regulation of the Stands or Places such Persons shall occupy, with their Carts, Barrows, Utensils, or Implements, under such Penalties not exceeding Forty Shillings, as the Magistrates may fix; and any Person acting in any of the said Capacities without having such Licence, or after such Licence is recalled or suspended, which the Magistrates are hereby authorized to do at pleasure, shall be subject to a Penalty not exceeding Forty Shillings for each Offence.

No Person to act as Carter, Porter, &c. until he is licensed.

Prosecu-
tions against
Owners of
Hackney
Coaches, &c.

CCXLIV. And be it enacted, That all Complaints arising out of any Breach of the Provisions of this Act or any Bye Law made in virtue thereof, in so far as regards the Owners and Drivers of Hackney Coaches or other Carriages, Chairmen, public Carters, Porters, Chimney Sweepers, and Carriers of Coals, shall proceed at the Instance of the Procurator Fiscal of the said City before the Magistrates.

Commis-
sioners may
contribute
from Police
Funds to a
House of
Refuge.

CCXLV. And be it enacted, That it shall be lawful to the Commissioners to contribute to any Establishment or House of Refuge the Rules whereof shall be approved by a Majority of the Commissioners any Sum not exceeding Four hundred Pounds yearly out of the Assessments authorized to be levied for the general Purposes of this Act: Provided always, that the said Lord Provost, Sheriff, and Dean of Guild, along with Three Persons to be elected by the Commissioners, and also any Number of Persons to be elected by the Contributors or annual Subscribers in Terms of the Rules, not exceeding Twelve in Number, shall be the ordinary Managers and Directors of such Establishment or House of Refuge.

Expenses of
Process may
be decreed
for.

CCXLVI. And be it enacted, That in all Cases where the said Magistrates, Dean of Guild, or Sheriff are empowered to decree for the Expense of any Work or Operations, or of any other Expenses, Sums of Money, Damages, or Penalties, under the Authority of this Act, it shall be lawful for them also to decree for the Expenses of Process, over and above such Expenses, Sums of Money, Penalties, and Damages; and in case any Person prosecuted at the Instance of a private Party for any Offence under this Act shall be acquitted, it shall and may be lawful to the Magistrate, Dean of Guild, or Sheriff before whom the Complaint shall be brought, if he shall see Cause, to subject the private Party in the Expenses incurred by the Party acquitted.

Payment of
Expenses of
private
watching
may be or-
dered.

CCXLVII. And be it enacted, That in all Cases where it shall become necessary for the Protection of the Public to cause to be temporarily watched and lighted any Part of the Pavement, Carriageway, Drains or Sewers, Area Gates or Railings, out of repair, Buildings, Walls, or Property of any Kind or Description in an insecure or ruinous State, Openings in the Streets, Building Materials, or any other Matter or Thing whatsoever laid down on the Streets, it shall be lawful for the Superintendent of Police to authorize Payment of the Expense of such watching and lighting, in so far as the same cannot be recovered from the Party liable therefor, out of the Funds raised for the general Purposes of this Act; and such Expense shall form Part of the Charges against such Funds.

Privileges of
Members of
the College
of Justice
and Court
of Exche-
quer waived.

CCXLVIII. And whereas the Purposes of this Act cannot be completely accomplished unless the Members of the College of Justice and Court of Exchequer, and all other Persons resident within the Limits of this Act, are assessed in common, and the said Members of the College of Justice and Court of Exchequer, notwithstanding the Right which they have by Law to be exempted from the Payment of the Assessments hereby authorized to be levied, have either consented or do not object to their being subjected to the Payment of the same
in

in the present Instance: Be it enacted, That the said Assessments shall and may be levied from all the Members of the College of Justice and Court of Exchequer, within the said Limits, in the same Manner as they are levied from the other Inhabitants within the same, and the said Members of the College of Justice and Court of Exchequer shall be subjected to the same Mode of proceeding as the other Inhabitants in regard to all Matters and Things in this Act contained; and no Person, of whatever Description, resident within the Limits of this Act, shall be entitled to plead any Privilege of Exemption from the Assessments hereby authorized to be levied, upon any Ground or Pretext whatever, (other than the Exemptions hereby provided,) any Law or Practice to the contrary notwithstanding: Provided always, that the Privileges of the College of Justice and of the Court of Exchequer as by Law established shall be and they are hereby saved and reserved in all other respects; and nothing in this Act contained shall be held as infringing upon or altering the Privileges of the College of Justice or the Court of Exchequer in the Matters aforesaid after the Expiration of this Act.

CCXLIX. And be it enacted, That it shall be lawful to the Commissioners and they are hereby required to make Payment to the Treasurer of the Burgh of *Canongate*, for behoof of the said Burgh, of the Sum of Sixty Pounds annually, in lieu and place of One Fourth Part of the Monies arising from the Sale of the Dung or Fulzie of the Streets of *Canongate* and *Pleasance* allocated to the said Burgh by the before-recited Act of the Twelfth Year of the Reign of His said Majesty King *George* the Third.

Allowance to be granted to the Burgh of *Canongate*.

CCL. And be it enacted, That it shall be lawful to the Commissioners and they are hereby required to make Payment of the Sum of Thirty Pounds annually to the resident Magistrate of *Easter Portsburgh*, and the like Sum of Thirty Pounds annually to the resident Magistrate of *Wester Portsburgh*, for defraying the Expense of their respective Offices.

Allowances to Magistrates of *Portsburgh*.

CCLI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, diminish, or abridge any Rights, Privileges, Jurisdiction, or Powers which now belong to and are enjoyed by the Lord Provost and Magistrates or Magistrates and Town Council of the City of *Edinburgh*, or any of them, or by the Sheriff of the County of *Edinburgh*, or by the Admiral of *Leith*, or by the Bailies of *Canongate* and Bailies of *Easter* and *Wester Portsburgh*, or the Bailie of *Calton* appointed by the said Magistrates and Town Council, or the Bailie of *Holyrood House*, or the Justices of the Peace, by virtue of former Acts of Parliament or Royal Charters granted in their Favour, or immemorial Usage.

Jurisdiction of Magistrates saved.

CCLII. And be it enacted, That it shall and may be lawful for Her Majesty and Her Royal Successors from Time to Time to nominate and appoint Special Justices of the Peace for the City of *Edinburgh* and Limits of this Act.

Justices may be appointed for the City.

CCLIII. And

Magistrates
to assist
in Execution
of this Act.

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

Definition of
the Word
"Owner."

CCLIV. And in order to prevent any Dispute regarding the Meaning of the Word "Owner" in this Act, be it enacted, That in all Cases where an Owner is required to do any Matter or Thing, or made liable for any Matter or Thing done or omitted to be done, or rated and required to pay any Assessments, Rates, or Monies, under the Provisions of this Act or any of them, the Person letting or managing or receiving the Rents of any Property from the Occupier thereof, on his own Account, or as Trustee or Agent or Factor, or in any way acting for any other Person, shall be deemed and held to be the "Owner" of the same.

Interpreta-
tion of Act.

CCLV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular shall include the Plural Number, and Words importing the Plural shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Words "Person" or "Persons" shall include Corporations, whether aggregate or sole:

The Words "the Commissioners" shall mean the General Commissioners of Police elected and acting under the Provisions of this Act for the Time being:

The Word "Sheriff" shall mean the Sheriff of the County of *Edinburgh*, and shall include the "Sheriff Substitutes":

The Word "Magistrates" shall mean the Magistrates of the City of *Edinburgh*, and shall include the Lord Provost and Baillies:

The Words "Magistrates and Council" shall mean the Magistrates and Town Council of the City of *Edinburgh*:

The Words "Dean of Guild" shall mean the Dean of Guild of the City of *Edinburgh*, and shall include the Dean of Guild Court of the said City acting in the Execution of this Act:

The Words "the Judge" or "the Judge of Police" shall mean the Judge sitting and officiating in the Police Court under the Provisions of this Act:

The Words "Procurator Fiscal" shall mean the several Persons authorized to act in the Courts for which they are respectively appointed, and shall include the Deputes of such Procurators Fiscal:

The Words "Clerk," "Collector," and "Treasurer" shall mean the Clerk, Collector, and Treasurer respectively appointed by the Commissioners under the Provisions of this Act:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath

Oath in the case of any other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Street" shall include any Square, Street, Close, Alley, Highway, Lane, Road, Bridge, Thoroughfare, or public Passage or Place within the Limits of this Act :

The Word "Court" shall include any Court or Passage, or Passage into a Court, or any Close or Alley, or other Way or Place having a House or Houses therein, but not having a Carriageway, within the Limits of this Act :

The Word "Lands" shall extend to Tenements and Heritages of every Description and Tenure :

The Word "House" shall mean Dwelling House :

The Word "Buildings" shall extend to and comprise all Buildings and Erections, of what Nature and Kind soever, and every Part of such Buildings :

The Expression "yearly Rents or yearly Value" shall mean the full yearly Rents or full yearly Value :

The Words "Occupier" or "Occupiers" shall include Tenants and Subtenants, and the actual Possessors of any Lands or Houses :

The Words "Broker" or "Brokers" shall mean and include all Persons dealing in Second-hand Goods or Articles, or in old Metals, Bones, or Rags :

The Words "Hackney Coach" shall include any Coach, Omnibus, Minibus, Chariot, Fly, Car, Cabriolet, Gig, Brougham, or other Carriage licensed under the Provisions of this Act :

The Word "Carriage" shall include any Coach, Omnibus, Minibus, Chariot, Fly, Car, Cabriolet, Gig, or Brougham :

The Word "Cart" shall include any Waggon, Timber Carriage, Dray, Truck, Handcart, Wheelbarrow, or Handbarrow :

The Word "Driver" shall include the Driver, Conductor, or Carter or Person in charge of any Hackney Coach, Carriage, or Cart :

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, or Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine, except where used in reference to the slaughtering of Cattle, and where so used shall include any Bull, Cow, Heifer, Ox, Calf, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine :

The Words "any offensive Matter or Thing" shall include any Nightsoil, Offal, putrid Meat or Fish, Entrails of Fish, Carrion, dead Animals, Blood, Dung, Manure, Fish Shells, Bones, broken Glass, China, Earthenware, Dust, Ashes, Refuse of Vegetables or Fruits, Orange Peel, and Soap Lees :

The Words "within the Limits of this Act" or "within the said Limits," or Words to that Effect, shall mean and include the whole Boundaries to which this Act extends :

And where the doing of any Act or Thing is made punishable by this Act, or by any Bye Law to be made in virtue thereof, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Penalty for suffering and permitting Offences.

Nothing to exempt this Act from Provisions of future general Acts.

CCLVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said City of *Edinburgh*, or the Boundaries described in this Act, from the Provisions of any general Act relating to Police, Paving, Lighting, Cleansing, or Sanatory Purposes in *Scotland*, which may be passed during the present or any future Session of Parliament.

Act not to extend beyond Limits.

CCLVII. Provided always, and be it enacted, That the Provisions contained in this Act shall not be deemed or construed to extend beyond the Limits of this Act, except as herein expressly provided.

Expenses of Act.

CCLVIII. And be it enacted, That the Expenses incurred or to be incurred in preparing, applying for, and obtaining this Act, and incident thereto, shall be defrayed from the Sums assessed, levied, or leviabie under the before-recited Acts and this Act by the Commissioners; and in order to discharge such Expenses the Commissioners shall and they are hereby authorized and empowered to assess every Person herein-before authorized to be assessed in any further Sum or Sums that may be necessary, such further Assessment not exceeding in any One Year One Penny in the Pound of the yearly Rent or Value of the different Subjects particularly before specified, to be ascertained in manner before directed, and recovered and made effectual along with and in the same Manner as is provided with regard to levying the Rates and Assessments herein-before authorized to be assessed and levied.

Public Act.

CCLIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

GENERAL COMMISSIONER VOTED FOR.		RESIDENT COMMISSIONERS VOTED FOR.				Signature of Elector.	Situation of Premises qualifying the Elector to vote.
Name.	Situation of Premises qualifying Election.	Name.	Situation of Premises qualifying Election.	Name.	Situation of Premises qualifying Election.		

SCHE.

SCHEDULE (B.)

Form of Conveyance of Heritable Property in favour of the General Commissioners of Police under this Act.

I *A. B.* in consideration of
 paid to me [or in consideration of the annual Rent of
 to be hereafter paid to me by yearly or
 half-yearly Payments, *as may be agreed on*] by the General Commis-
 sioners of Police of the City of Edinburgh and adjoining Districts, do
 hereby dispoⁿe and convey to
 as Clerk to and for behoof of the said Commissioners, and his Suc-
 cessors in Office, all and whole [*describe the Premises to be con-*
veyed], and all my Right, Title, and Interest in the same, to be
 held by the said Commissioners and their Successors for ever, by
 virtue of "The Edinburgh Police Act, 1848." In witness whereof
 I have subscribed these Presents, written by this
 Day of in the Year of our Lord
 before these Witnesses [*here insert Witnesses Names and De-*
signations] respectively.

SCHEDULE (C.)

By Order of the General Commissioners of Police.

No.

To

TAKE notice, That the Police Assessments due by you for Property
 in your Occupation from Whitsunday to Whitsunday
 or some Part of the said Year, as under noted, became due and payable
 at this Office on the Day of last; and
 unless Payment shall be made within Twenty-one Days from this
 Date the Receipt will be again presented, and in default of Pay-
 ment on or before the last Day of February next the Penalty of
 One Penny per Pound on the Rental will be added, and Payment
 enforced in Terms of the Statute.*

(Signed) *A. T. Collector.*

Edinburgh,

SITUATION OF PREMISES.	RENT.	ASSESSMENT.

* If due Attention is not paid to this Notice, it is provided by the Police Act that
 Warrant may be granted to seize and take possession of the Goods and Effects of any
 Person refusing or neglecting to make Payment of the Rates within the Time speci-
 fied in the above Notice; and if the same be not paid, together with the Costs and
 Charges, upon Presentment of the Warrant, the Collector may direct a Seizure to be
 made of the Goods and Effects of the Persons refusing or neglecting to pay; and if
 Payment is not made within Three Days after such Seizure, then the Collector may
 sell the Goods so seized; by Public Roup, at the Market Cross of Edinburgh.

SCHEDULE (D.)

Form of Bond to be granted for Money borrowed by virtue of this Act.

Number [*here insert the Number*].

By virtue of "The Edinburgh Police Act, 1848," I A. B., Collector for the General Commissioners of Police for the City of Edinburgh and adjoining Districts, and by Authority of the said Commissioners, in consideration of the Sum of [*here insert the Sum in Words*] instantly advanced and paid to me on account of the said Commissioners, and for the Purposes of the said Act, by C. D., do hereby bind and oblige the said Commissioners for the Time being, out of the first and readiest of the Monies to be raised under the annual Assessments by the said Act authorized to be imposed and levied, to pay at the Term of [*insert Term of Payment*] to the said C. D., his Executors or Assignees, the said Sum of [*here state the Sum*], with the Interest thereof at the Term of [*insert Term of Payment of Interest*], at the Rate of [*here insert the Rate of Interest*] per Centum per Annum from the Date hereof till the said Sum is paid; and for the further Security of the said C. D. I do hereby assign to him, his Executors or Assignees, such Proportion of the said Monies to be raised under the said annual Assessment as shall be equivalent to the said Sum now paid to me, and the Interest to become due thereon as aforesaid, from the Date hereof to the Term of Payment; and I consent to the Registration hereof in the Books of Council and Session, or others competent, for Preservation, and that all necessary Execution may pass hereon in common Form; and thereto constitute

my Procurators. In witness whereof I have subscribed these Presents, written by _____ at _____ this _____ Day of _____ in the Year _____ before these Witnesses, G. H. and K. L., General Commissioners of Police under the said Act.

G. H. Witness.

(Signed) A. T. Collector.

K. L. Witness.

Edinburgh [*Date*].

The preceding Bond has been this Day recorded in the Sederunt Book of the General Commissioners of Police, as authorized by them, in Terms of the Statute.

(Signed) M. N. Clerk.

SCHEDULE (E.)

Form of Transference of Bonds granted for Money borrowed by virtue of this Act.

I C. D. do transfer this Bond, with all Right, Title, or Interest which I have under the same, to E. F., his Executors and Assignees. In witness whereof I have subscribed these Presents, written by _____ at _____ this _____ Day of _____ before these Witnesses [*insert Witnesses Names and Designations*].

O. P. Witness.

(Signed) C. D.

R. S. Witness.