



ANNO QUINQUAGESIMO PRIMO |

GEORGII III. REGIS.

Cap. 146.

An Act for paving, cleansing, lighting and watching the Streets, and otherwise regulating the Police of the Town of *Dumfries*. [10th June 1811.]

WHEREAS an Act was passed in the Twenty-seventh Year of ^{27 G. 3. c. 51.} the Reign of His present Majesty, intituled, *An Act for continuing and amending several Acts made in the Third Year of the Reign of King George the First, the Tenth Year of the Reign of King George the Second, and the Seventh Year of His present Majesty, for laying a Duty of Two Pennies Scots, or One-sixth of a Penny Sterling on every Pint of Ale or Beer that shall be vended or sold within the Town of Dumfries and Privileges thereof, for paying the Debts of the said Town, and for building a Church and making a Harbour there; and for laying a Duty on the Tonnage of Shipping, and a Duty on Goods imported and exported into and out of the Port of the said Town; for the better repairing the said Harbour; and for paving, cleansing, lighting and watching the Streets and other public Places within the said Town, and widening the Streets where necessary, and removing and preventing Nuisances therein: And whereas the Town of Dumfries has now become a Place of considerable Resort, and its Trade is rapidly increasing, but the System of Police established by the said Act in the said Town has been found to be inefficient; and the Assessment for the Police has not been found sufficiently productive; and it would therefore be of great Benefit to the Inhabitants of the Town of Dumfries if the aforesaid Act, in so far as respects the Police of the said Town, and the Assessment for cleansing, watching, lighting and paving the Streets thereof were repealed, and a*

[Loc. & Per.]

So much of
Act repealed
as relates to
paving, &c.

better System of Police established in lieu thereof, and a new Assessment allowed to be levied for defraying the necessary Expences of such Establishment; which Purposes cannot be effected without the Aid of Parliament; may it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said in part recited Act of the Twenty-seventh Year of His Majesty's Reign, so far as respects the paving, lighting and cleansing the Streets of the said Town of *Dumfries*, and regulating the Police thereof, and raising an Assessment for those Purposes, shall, from and after the passing of this Act, be, and the same is hereby repealed.

Town divid-
ed into
Wards.

II. And be it enacted, That the said Town shall be, and the same is hereby divided into the following Wards or Districts, and Commissioners of Police for the said several Wards or Districts shall be elected and appointed in Manner after mentioned; that is to say: The first Ward shall commence at the Head of the Town, and include both Sides of the *Town-head Street*, both Sides of the *Old Flesh-Market Street* to *Queensberry Square*, terminating at the North Corner of that Square with the *Old Bee-Hive Close* on the one Side, and the Corner Shop, nearly opposite the said *Bee-Hive Close*, possessed by *John M'Lellan* on the other, and including both Sides of the *High Street*, from the Town Head, and including the North Side of *Rotten Row*, both Sides of *Castle Street*, both Sides of *Buccleugh Street* to the Bridge, *Charlotte Street* and the new projected Streets, through *Clerk Maxwell's* and the late *Riddel's* Property, with all the intermediate Lanes and Buildings; the Second Ward shall comprehend the whole of the *Friar Vennel* and *Saint David's Street* on both Sides, with *Bell's Wynd*, the whole of the *Old Brewery Street* and *New Bridge Street*, including the several Lanes or Passages connecting these Streets, and terminating at the *White Sands*, and including the East Side of said Sands to *Hodgson's House*, with all the intermediate Lanes and Buildings; the Third Ward shall include the South Side of *Rotten Row*, the East Side of the *High Street* from said Row, including *Queensberry Square*, to the North Side of *M'George's Close*, and from thence, in nearly a straight Line Westward, past the *Tradeshall* and *Cross*, down *Grierson's Close* to *Irish Street*, including the North Side of said Close, and also including the whole of the *High Street*, from the North Side of *Grierson's Close*, to the Head of the *Friar Vennel*, the new *Flesh-market Street* or *East Barnraws*, from *Townhead Street* to *Lochmaben Gate Street*, on both Sides, and both Sides of *King Street*, with all the intermediate Lanes and Buildings; the Fourth Ward shall comprehend the whole of the *Bank Vennel* on both Sides, also that Part of the *West Barnraws* or *Irish Street*, from said *Friar Vennel* to *Assembly Street*, on both Sides, and Part of the Sands from said *Vennel* to *Assembly Street*, the East Corner of *Queensberry Square*, or South Side of *M'George's Close*, and the whole Line of Street and intermediate Lanes and Buildings from thence to the Corner of *Lochmaben Gate Street*, thence across that Street, and including the *King's Arms*, *Custom House*, Close and Tenements, and *Johnston's Shop* and Tenements, and from thence, including *Assembly Street* on both Sides;

Sides ; this Ward shall also comprehend the *High Street*, with all the intermediate Lanes and Buildings from *Grierson's Close*, to the Head of *Assembly Street* and the *Mid-rows*, including the whole Buildings between the *New Tradeshall* and the *Old Coffee House*, and the *Cross* and *Old Court House Buildings* ; the Fifth Ward shall comprehend the whole of *Lochmaben Gate Street* on both Sides, and the whole of *Queen's Street* on both Sides, and the whole of *Shakespeare's Street* from *Lochmaben Gate Street* to *Nith Place* on both Sides, also the *Miln-hole* on both Sides, from *Shakespeare's Street* to the *Kirk Gate Street*, and all the intermediate Lanes and Buildings ; the Sixth Ward shall commence at the End of *Johnstone, Bookseller's Shop*, on the one Side, and the South Side of the *Assembly Street* on the other, and shall comprehend the *High Street*, and all the intermediate Lanes and Buildings, from these Points on both Sides to the *Milnburn* on the East Side, and to *Mistress Sweetman's, Corner of Irish Street*, on the other, also the whole of *Irish Street* from *Assembly Street* to said Corner on both Sides, also the North Side of *Nith Street*, and round the Sands to *Assembly Street*, the whole of *Kirk Gate Street* on both Sides, beginning at the *Milnburn* on the East Side, and including the South Side of *Nith Street* on the other, and the whole intermediate Lanes and Buildings, also the whole Property on the East Side of the Dock.

III. Provided nevertheless, and be it enacted, That it shall be lawful to and in the Power of the Commissioners hereinafter appointed, to alter, vary, add to or diminish the said Wards, or any of them, in such Manner as the State of the Population thereof, or other Circumstances, shall to the said Commissioners appear from Time to Time to require it.

Power to alter the Wards.

IV. And be it further enacted, That the Provost and Three Baillies, and the Deacon Convener of the Trades of the said Town of *Dumfries*, for the Time being, and two Commissioners for each of the said Six Wards, elected in Manner hereinafter mentioned, shall be, and are hereby appointed Commissioners for assessing, levying and applying the Monies hereinafter directed to be raised for the Purpose aforesaid, for naming and appointing a Clerk, Collector, Servants, Master of Police, Superintendent of Fire Engines, Watchmen, Firemen and other Officers, for fixing their Salaries, for regulating the Manner of cleansing, lighting, paving, watching, guarding and patrolling the Streets, for establishing Rules and Regulations for the Direction and Government of the said Clerk, Collector and other Officers aforesaid, and for executing the other Matters specified in this Act and committed to their Charge ; and the said Twelve Commissioners shall be elected within One Calendar Month after the passing of this Act, and shall continue in Office until the Second *Monday of June*, in the Second Year after their Election and on the Second *Monday of June* annually thereafter, during the Continuance of this Act, and they shall be elected by a Majority of Votes of the Occupiers of Dwelling Houses, Shops, Cellars and other Buildings within their respective Wards, valued at Ten Pounds Sterling of yearly Rent, and that the Commissioners so elected shall be resident in and possess a House or other Buildings within their respective Wards, at the Period when they are elected, of the yearly Rent or Value of Twelve Pounds Sterling : Provided always, That where there are not Ten House-

Commissioners.

First Election of Commissioners.

Annual Election of Commissioners.

Qualifications of Electors.

holders.

Qualifications
of Commis-
sioners.

Commis-
sioners may be
re-elected.

Election of
Commission-
ers for first
Time how
determined.

Penalty for
obstructing
Elections of
Commis-
sion-
ers.

Vacancies of
Commis-
sion-
ers may be
supplied.

Manner of
supplying Va-
cancies of
Commis-
sion-
ers.

holders so qualified in any of the said Wards, the Commissioners thereof respectively, may be elected out of the Number of those whose Dwelling Houses or other Buildings therein, are valued in the Rent Roll at Seven Pounds Sterling, and that all or any of the said Commissioners at their Annual Elections aforesaid, may be re-elected into Office in the Option of their Electors respectively, which Votes shall be given in each Ward separately, by written Notes or Tickets subscribed by the Voters, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of the Persons voted for, put into Boxes prepared for the Purpose on the Day appointed for each Election, which Boxes, the Provost, Three Baillies, Deacon Convener of the Trades of the said Town, and any Three or more Justices of the Peace for the County of *Dumfries* for the first Time, and afterwards the Commissioners to be appointed as aforesaid, shall and they are hereby authorized and required to prepare, in such Form as to them shall seem expedient, and to put up One of those Boxes in such Place within each Ward as to them shall seem proper, and of which they shall give Eight Days previous Notice, by Advertisement in a *Dumfries* Newspaper, in order that all concerned may have Access to put their Notes or Tickets into the same, between the Hours of Ten of the Clock in the Forenoon, and Four of the Clock in the Afternoon of the Day of Election, at which last Hour the Election shall be closed, and the Boxes removed, and afterwards opened and the Votes scrutinized, and the Commissioners declared for the first Time by the said Provost, Three Baillies, Deacon Convener, and any Three or more Justices of the Peace of the said County, and afterwards by the said Commissioners, who shall determine by a Majority of Votes, at their own Meeting, in all Cases of Equality of Votes for Commissioners.

V. Provided always and be it enacted, That no Person shall have more than One Vote upon his total Possession or Qualification, and that he shall only vote in one Ward or District; and in case any Person or Persons shall at any Time or Times obstruct, hinder or molest any Person or Persons qualified to vote in Manner aforesaid, in giving such Votes or putting the said Notes or Tickets into the proper Box, every Person or Persons so offending, shall forfeit the Sum of Ten Shillings Sterling for each Offence: Provided always, that in case any Person or Persons, not qualified to vote as herein provided, shall nevertheless vote or attempt to vote at the said Elections, every Person so offending shall forfeit the Sum of Five Pounds Sterling for each Offence, to be levied and applied in Manner hereinafter directed.

VI. And be it enacted, That in case any of the Commissioners, named and elected in Manner aforesaid, shall die, or shall refuse or neglect to accept the Office, and subscribe a Writing to that effect, on being required so to do by a General Meeting of the said Commissioners, notified to him or them by their Clerk, or shall cease to reside within the Wards or Districts for which they were elected, their Places shall become vacant and shall be supplied by others qualified in Manner aforesaid; and when and so often as the Place of any of the said Commissioners shall become vacant, the said Commissioners shall within Fourteen Days after the said Vacancy or Vacancies shall happen, advertise in Manner before directed, an Election or Elections, to be made in Manner before appointed,
not

not more than Four Days after the Publication of such Advertisement, in order to choose a Commissioner or Commissioners (qualified in Manner aforesaid) to supply the said Vacancy or Vacancies, who shall be elected accordingly; and in case any Dispute or Difference shall arise, relative either to the Qualifications of the Electors or of the Persons elected, the same shall be determined by the said Provost, Three Bailies and Deacon Convener of the Trades, and any Three or more Justices aforesaid, for the first Election, and afterwards by the said Commissioners, whose Determination, or that of a Majority of them present, shall be final and binding on all concerned.

Manner of deciding Disputes as to Qualifications of Electors, or those elected.

VII. And be it enacted, That in case the Electors of any of the said Wards shall refuse or neglect to elect Commissioners for the same, either upon the said Second *Monday of June* in the Second Year after the passing of this Act, and on the Second *Monday of June* annually thereafter, or upon any other Days appointed by Authority of this Act, for electing Commissioners to supply Vacancies, that then and in such Case, it shall be lawful for and in the Power of the said other Commissioners who shall have accepted their Offices, to nominate and appoint Commissioners qualified in Manner before directed, for the said Wards for which Elections have not been made; and those Persons when so appointed, shall have and enjoy the same Powers and Privileges, both as Commissioners of Wards, and as general Commissioners for executing this Act, and shall remain the same Time in Office as if they had been elected by the Possessors of Houses, Shops, Warehouses and other Buildings, in their respective Wards, in the Manner herein first directed.

When Electors fail to choose Commissioners how to proceed.

VIII. And be it enacted, That the said Commissioners of Wards shall, and they are hereby authorized and required, within One Month after they are elected, to make up exact Lists of the Persons in their respective Wards who are qualified in Manner aforesaid, to elect or be elected Commissioners, which Lists shall be entered in Books to be kept for that Purpose, and shall be open to the Inspection of all concerned, at all reasonable Times, and the said Commissioners shall, from Time to Time, alter and amend the said Lists, according as the Circumstances and Situation of the Persons capable of electing or being elected may, from Time to Time, alter or vary; and that each of the said Commissioners shall, Ten Days previous to every Election in his Ward, after the first Election, deliver to the said Provost, or in his Absence to the next Senior Magistrate present, in the Town, an authentic List subscribed by him, of the Persons within his Ward, capable of so electing, or being elected.

Commissioners of Wards to make up Lists of those qualified to elect or be elected Commissioners.

Lists of those qualified to be delivered to the Provost or next Senior Magistrate.

IX. And be it enacted, That any Seven of the said Commissioners shall be a Quorum for transacting ordinary Business, but that no Money shall be assessed or voted for, or the Clerk, Collector or other Officer shall be appointed, nor Salaries fixed for them, except at Meetings, at which there shall be present a Majority of the said Commissioners, who have accepted their said Offices: Provided always, That the whole Commissioners resident in the Town at the Time, shall be cited personally, or at their Dwelling Places, by written or printed Notices, to attend all the Meetings of the said Commissioners, and that the Provost of

Seven Commissioners a Quorum for ordinary Business.

The Provost when present to preside at Meetings.

Dumfries, when present, (and in his Absence a Commissioner to be chosen by the Meeting,) shall preside at all Meetings of the said Commissioners, and shall have both a deliberative and casting Vote in all Matters and Questions which shall come before them.

Four Quarterly Meetings of Commissioners.

X. And be it enacted, That Four Quarterly Meetings of the said Commissioners shall be held within the Town Council Chamber, or at such other Place as they shall appoint, on the First *Monday* of *July*, *October*, *January* and *April*, at Twelve of the Clock at Noon, for putting this Act, and the Powers hereby committed to them into Execution; and that the Provost, (and in his Absence the next Senior Magistrate of the said Town for the Time being) shall call the first Meeting, and that the Clerk to be appointed by the said Commissioners shall call all the other Meetings, by causing written or printed Notices to be delivered to them personally, or left at their Dwelling Houses, at least Twenty-four Hours previous to the Time of Meeting; and that the said Commissioners, or a Majority of them present at any of the said Quarterly Meetings, may adjourn to the same, or any other Place within the said Town which they may think proper, for executing the Powers hereby vested in them.

Quarterly Meetings may adjourn.

Occasional Meetings how called.

XI. And be it enacted, That the Clerk of the said Commissioners shall, upon a written Requisition made to him by Three of the said Commissioners, appoint occasional Meetings of the said Commissioners to be held within Twenty-four Hours of such Requisition, and cause the whole Commissioners to be cited, to attend such Meetings in Manner aforesaid; and that at all Meetings to be held in pursuance of this Act, the Commissioners shall defray their own Expences.

Officers to be appointed.

XII. And be it enacted, That it shall and may be lawful to the said Commissioners, and they are hereby empowered and required to appoint, during Pleasure, a Master of Police, Superintendant of Fire Engines, Clerk, Collector, and such a Number of Officers of Police, Watchmen, Firemen, and other Officers as may seem to them to be proper, who shall be bound to act under the Authority and Orders of the said Commissioners, or any one of them, in executing the Matters hereby committed to them, and in regulating the Police, and preserving Peace and good Order within the said Town; and that the said Commissioners shall have Power, and they are hereby authorised to appoint the said Master of Police, and other Officers to be named by them, Special Constables, for the Purpose of attending the said Commissioners, and executing the Warrants or Sentences to be pronounced by them in virtue hereof, and for the other Purposes of this Act, with all the Powers belonging to Constables by the Law of *Scotland*.

Officers of Police to be Constables.

Commissioners of Wards to make up Lists of Inhabitants.

XIII. And be it enacted, That Two Commissioners residing within their own District or Ward, qualified and elected in Manner hereinbefore directed, shall be appointed over each of the said Wards, with Power to them to take Lists of Persons residing within their respective Wards, and to take the legal Steps for preventing poor Persons or Beggars from gaining legal Settlements in the Town, so as to entitle them to the Charity thereof, together also with the whole Powers known by the Laws of *Scotland* to belong to the Office of Constable; and that each of these Commissioners

Commissioners shall be Head, or Ruling Constable, within his particular Ward.

XIV. And be it enacted, That the said Commissioners shall have Power to appoint a Collector, Clerk or other Officer or Officers, for levying, receiving and paying away the Monies to be raised by virtue of this Act, and for keeping their Books and Records, and for other Purposes aforesaid, and to rent or hire a sufficient Office for holding their Meetings and transacting their Business in, and also to agree for and pay a reasonable Rent for the said Office out of the said Funds; and that the said Collector shall find sufficient Security to the said Commissioners for his Intromissions with the Funds, which he shall be empowered to levy and collect, and make Oath to the Truth of his Accounts when required.

Collector and Clerk appointed, and their Duties.

XV. And be it enacted, That it shall be in the Power of the said Commissioners or their Quorum aforesaid, to appoint suitable Salaries or Allowances to be paid to the said Master of Police, Superintendant of Fire Engines, Collector, Clerk, Watchmen and other Officers, and to pay the necessary Expences incurred by them in the Execution of the Duty of their respective Offices, and the other necessary Charges and Expences of the aforesaid Establishment, from the Funds to be raised by virtue of this Act.

Commissioners to fix Salaries to Officers.

XVI. And be it enacted, That a Book or Books shall be prepared and kept by the said Commissioners, or by such Person or Persons as they shall appoint, wherein shall be fairly entered an Account of what Monies have been levied and paid by virtue of this Act, and in what Manner the same have been applied, and that the said Books shall be regularly fitted and balanced Yearly, on the last *Friday* of *May* immediately preceding the Election of the said Commissioners, the first Balance to be struck in the Year One thousand eight hundred and twelve, from which a State of the Payments and Disbursements for the preceding Year shall be made out and printed on or before the Second *Monday* of *July* annually, after the Books are balanced; and a Copy thereof shall be delivered to each of the Commissioners, and shall be lodged in the Council Chamber of the said Town, where it shall remain for Six Weeks, during which Time it shall be open to the Inspection of every Burges of the said Town and other Persons contributing to the aforesaid Assessments, without Fee or Reward, and shall also be published in a *Dumfries* Newspaper.

Account-Books to be kept and balanced yearly.

And to be printed and published.

XVII. And be it further enacted, That the said Commissioners shall keep or cause to be kept, a Book or Books, in which shall be ingrossed or written Minutes of all their Transactions, with the Amount of the Salaries and Emoluments paid to the said Master of Police, Superintendant of Fire Engines, Clerk, Collector, Watchmen, Firemen and other Officers, which Book or Books shall at all reasonable Times be open to the Inspection of every Burges of the said Town and Persons contributing to the aforesaid Assessments, who shall and may peruse and inspect the same without Fee or Reward, and that it shall be competent to the said Magistrates and Town Council or any Two or more Burgeses, Inhabitants of the said Town, to bring Actions against the said Commissioners

All Minutes of Meetings and Emoluments of Officers to be recorded.

The Inhabitants may bring the Commissioners to account.

Commissioners may call their Predecessors to account.

tioners or to the Commissioners for the Time being, or a Majority of them, to bring Actions against their Predecessors in Office, before the Courts of Session or Exchequer in *Scotland*. in case they shall embezzle, squander or misapply any of the Funds vested in them by virtue of this Act; provided that such Action or Actions shall be commenced within Twelve Calendar Months after the Offence prosecuted for shall be alledged to have been committed.

Police Assessments.

Three Pounds and under Five Pounds Rent,

per Pound. Five Pounds and under Ten Pounds Rent, Nine-pence per Pound.

All above Ten Pounds, One Shilling per Pound. How to be levied.

XVIII. And, in order to raise a Fund for defraying the Expences of this Establishment, be it enacted, That, from and after the passing this Act, the said Commissioners shall have Power and Authority to assess upon all Renters, Occupiers or Possessors of Dwelling Houses, Shops, Warehouses, Cellars and other Buildings and Pertinents thereof, within the said Town, rented or valued at Three Pounds and under Five Pounds Sterling yearly, an annual Assessment, not exceeding Six-pence Sterling in the Pound Sterling; on the yearly Rents of the said Subjects, rented or valued at Five Pounds and under Ten Pounds Sterling, an annual Assessment not exceeding Nine-pence Sterling on the Pound Sterling; on the yearly Rent of the said Subjects, rented or valued at Ten Pounds Sterling and upwards, an annual Assessment not exceeding One Shilling Sterling in the Pound Sterling; and which Assessment shall be levied and paid annually at the Term of *Martinmas*, or Half-yearly at *Martinmas* and *Whitsunday*, as shall appear most proper to the said Commissioners during the Continuance of this Act, to the Collector, to be appointed for that Purpose by the said Commissioners, Fourteen Days previous Notice of the Time and Place of Collection being always given by such Collector in a *Dumfries* Newspaper, and by Beat of Drum through the said Town: Provided always, that the said Commissioners shall have Power to reduce the said Rates whenever they find the whole Money levied more than sufficient to answer the Purposes by this Act intended to be accomplished, with Liberty again to raise the same, but so as at no Time to exceed the Rates aforesaid allowed by this Act to be imposed and levied.

Assessment how to be levied.

XIX. Provided always, and be it enacted, That if any Person or Persons liable in such Rates or Assessments shall fail to pay the same to the Collector for the Space of Ten Days thereafter, that then, and in every such Case, it shall and may be lawful to and for such Collector having a Warrant under the Hand of any One of the said Magistrates of *Dumfries* for the Time being, (which Warrant the said Collector is hereby required to apply for, and the said Magistrate is hereby authorized and required to grant), and with the Assistance of a Peace Officer, or any other Officer of the said Burgh, to enter the House or Houses, Apartment or Apartments of the Person or Persons making Default, in the Day Time, and then and there to seize and keep Possession of his, her or their Goods and Chattels, and if the said Rate or Assessment shall not be paid within Three Days next after such Seizure shall be made, together with the Costs and Charges thereof, to sell, by public Auction, at the Market Cross of *Dumfries*, so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Seizure and Sale, returning the Surplus, if any be, to the Owner or Owners of such Goods and Chattels, the said Costs and Charges to be settled and allowed by the Magistrates who shall have granted such Warrant.

XX. And

XX. And be it enacted, That all travelling Merchants, Auctioneers and others, who shall take up a temporary Residence in the said Town, for the Purpose of selling Merchandize, Goods and other Effects, and who in Prosecution of such Business occupy a Shop, Warehouse or other Place within the said Town, shall pay a proportional Part of the said Annual Assessments before mentioned, corresponding to the Time of their Occupancy; and they shall also in like Manner be liable in Payment of the Assessment for Stent or Cels, Road Money, and such other public and parochial Taxations as the other Burgeeses and Inhabitants of the said Town are liable to pay.

Travelling Merchants, &c. having a temporary Residence in the Town to pay his Assessment, as well as other public and parochial Taxations paid by the Inhabitants.

XXI. And be it further enacted, That the said Commissioners shall have Power to nominate Two or more Assessors, who shall, within the Space of One Calendar Month after their Appointment, return upon Oath, to be administered by one of the said Magistrates to the said Commissioners, or their Clerk, an exact List of the Occupiers of the Subjects liable to be assessed, and of the Rents thereof, where the same are in Tenantry, or to the best of their Judgment, the annual Value of such Subjects, where they are in the Possession of the Proprietor, or where the Rent payable by the Tenant cannot be ascertained, declaring always, that at the Time such Assessment is made, the Assessors shall leave for every Occupier, at his or her Dwelling Place, or at the Place assessed, a Note of the Rent with which such Occupier is to be charged; and that if any Person or Persons assessed as aforesaid shall think themselves overcharged by such Assessment, such Person or Persons shall have Liberty of appealing to the Commissioners for Redress, and that the said Commissioners shall, at least One Month before *Martimus* annually, meet for the Purpose of hearing and deciding such Appeals, Eight Days previous Notice being given of the Time, Place and Purpose of such Meeting, by Advertisement in a *Dumfries* Newspaper, and by Tuck of Drum through the said Town, any Three Commissioners being a *Quorum* for finally deciding such Appeals: Provided always, that Proprietors and Life-renters shall only be liable in Payment of the said Assessment for the Houses, Cellars, Shops, Warehouses and other Buildings occupied by themselves and their Servants, but not for Houses occupied by their Tenants, from whom only the said Assessment for their respective Possessions shall be recovered in Manner aforesaid.

Two more Assessors to be appointed.

Assessors' Duty.

Appeals against Assessments how to be heard and discussed.

XXII. And be it enacted, That the Monies to be raised by virtue of this Act, shall be and the same are hereby vested in the said Commissioners, and that all such Monies shall be applied, laid out and expended in defraying the Establishment of Master of Police, Superintendent of Fire Engines, Clerk, Collector, Firemen, Watchmen, Servants and other Officers, to be appointed in virtue of this Act and to the other Purposes hereby committed to the said Commissioners, and to no other Purpose whatever; and in case any Surplus Monies shall remain, after properly executing the Purposes aforesaid, upon settling the Accounts thereof, at the End of each Year, the same shall be applied towards the same Purposes for the Year following, so that the aforesaid Assessments shall be thereby proportionably diminished.

Application of the Assessments.

XXIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered, to borrow and

Power to borrow Money.

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take

take up any Sum or Sums of Money not exceeding Two thousand Pounds Sterling, and to grant and assign the Assessments and Duties given and granted by this Act to any Person or Persons whomsoever who shall be willing to advance and lend Money thereon, for securing Payment of the same, with Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*; and that the Monies so to be borrowed and advanced, shall be employed for lighting, paving, cleansing and watching the Streets of the said Town, and the other Purposes of this Act before specified.

The Magistrates and Town Council to contribute annually to the Police Establishment.

XXIV. And be it enacted, That the said Magistrates and Town Council shall, from the Common Funds of the Community of the said Town, add annually to the said Assessments a Sum not less than One hundred Pounds Sterling, by Half-yearly Payments, beginning at the Term of *Martinmas* One thousand eight hundred and eleven; and that all Monies arising from the said Assessments and the said Addition thereto, shall be applied, laid out and expended annually, in lighting, paving, cleansing and watching the Streets, Lanes, Passages, Squares and other principal Places within the said Town, in defraying the Expences of the aforesaid Establishment of a Master of Police, Collector or Collectors, Watchmen, Superintendent of Fire Engines, Firemen, Servants and other Officers, and of the other Purposes of this Act, and for no other Purpose whatever.

All Encroachments and Obstructions to the Streets to be removed.

XXV. And be it enacted, That it shall and may be lawful for and in the Power of the said Commissioners, after inspecting the Premises and hearing the Parties concerned, to order the Proprietors of all Houses and other Buildings, fronting any of the Streets or Roads of the said Town, incroaching upon or obstructing the Lines of the said Streets or Roads, to remove or cause to be removed and taken away, within a reasonable Time, such Houses or Parts of Houses, and all Out Stairs, Out Shots, Buildings, Erections and other Things whatsoever, which tend to obstruct the free Passage of the said Streets, Roads and Foot Pavements, and if, within the Time to be specified in a Warrant by the Commissioners, or any Seven or more of them, the said Houses or Parts of Houses, Out Stairs, Out Shots, Erections and other Things, be not taken away, the Owner or Proprietor of such Houses or Buildings to which such Obstructions are annexed or belong, shall forfeit and pay a Sum not exceeding Ten Shillings Sterling, and so *toties quoties*, for every Month after the Date of such Warrant, during which the said Houses or Parts of Houses, Out Stairs, Out Shots, Buildings or other Things shall remain, the said Fines to be recovered and applied in Manner herein after directed: Provided always, that in case the aforesaid Obstructions shall not be removed within Three Months after the Date of the Warrant ordering them to be removed, it shall be lawful for and in the Power of the said Commissioners to cause the same to be thereafter instantly removed at the Expence of the Owner: Provided also, that in Cases where the said Houses or Parts of Houses, Out Stairs, Out Shots, Buildings and Erections shall be removed under the Authority of this Act, for the Purpose of public Convenience and Accommodation, that the Expence and Damage arising therefrom shall be paid by the Commissioners aforesaid from the Funds levied by virtue of this Act.

Penalty for neglecting to remove such Obstructions.

Damages to be paid by the Commissioners.

XXVI. And

XXVI. And be it further enacted, That in taking the necessary Ground for the Purposes aforesaid, or in taking down any House or Houses, or Part or Parts of any House or Houses, or other Obstructions aforesaid, by Authority of this Act, if the said Commissioners shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of any such Ground or House or Houses, or Part or Parts of any House or Houses, Application shall be made to the Sheriff Depute of *Dumfries*, or his Substitute, to summon a Jury, in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses necessary to be taken down as aforesaid; and the said Sheriff Depute or Substitute is hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners and Occupier or Occupiers of such Ground or Houses, and afterwards to issue a Summons in the usual Manner, for calling together and impanelling a Jury, consisting of Fifteen discreet and disinterested Persons to examine into, and after such Examination, to return a Verdict upon Oath, as to the Damage sustained by the Proprietor of such Lands, Houses, or Parts of Houses, or other Obstructions, and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Commissioners out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested or Consignation thereof into the Bank of *Scotland*, or Royal Bank of *Scotland*, the said Commissioners shall from thenceforth have Right and be at Liberty to take and use the Ground, and to take down the Houses or Parts of Houses so valued for the Purposes of this Act, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners and Occupier or Occupiers of such Ground or Houses had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Order of the Sheriff Depute or his Substitute shall be final, and not removable or questionable by Bills or Letters of Advocation, or Suspension to or by any other Court whatsoever, any Law or Usage to the contrary notwithstanding; and the Sheriff Depute or his Substitute shall, and he is hereby authorized and required, upon such Verdict being given as before mentioned, to pronounce Judgment for the Payment of such Sum or Sums of Money so to be awarded by the said Jury, and to ordain the Owner or Proprietor of such Houses or Parts of Houses, or Areas, on which such Encroachments stand, or their Trustees, Tutors or Administrators, upon Payment or Consignation as aforesaid, quietly to permit and suffer the said Commissioners or Workmen to be employed by them, to take down the said Houses or Parts of Houses, and Encroachments or Nuisances, and to convert the same into a Part of the public Streets, for the Purpose of sufficiently widening or straightening the same; and the Judgment or Decree pronounced by the said Sheriff Depute or Substitute, upon the said Verdict or Verdicts, shall be binding and conclusive to all Intents and Purposes against such Proprietors; and that the same, or Extracts thereof from the Sheriff Court Books, shall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatsoever: Provided always, that if the House or Houses, or Part or Parts of Houses so decreed to be taken down, shall be inhabited at the Time of pronouncing such Judgment, Three Calendar Months shall at least

The Value of Ground and Houses taken for straightening and widening the Streets to be settled by a Jury.

When adjudge how to be paid or consigned.

Sheriff to pronounce Judgment upon the Verdict of the Jury.

Sheriff's Decision to be final.

least

least intervene betwixt the Time of pronouncing such Judgment and the Term of *Old Whitsunday* then next ensuing, prior to the Day to be fixed on for taking the same down.

Expences of Jury by whom to be paid.

XXVII. And be it enacted, That, in the Event that no Compensation shall have been offered by the said Commissioners, or if such Jury shall award a greater Sum than shall have been offered by the said Commissioners, the Expence of such Jury shall be borne by the said Commissioners, and in the Event that such Jury shall award either the same or a less Sum than shall have been offered by the said Trustees, the whole of the said Expences shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners.

Money payable to Persons under Entail or Disability, how to be disposed of.

If 200l. and upwards.

XXVIII. And be it enacted, That whatever Money shall be paid as afore-said, for Lands, Tenements, Houses or other Heretages so taken or used by the said Commissioners, which were held under Entail or subject to Life-rent Annuities or other Incumbrances, or belonging to any Corporation, married Woman, Minor, Lunatic, Idiot or other Person under legal Disability or Incapacity, such Money, in case the same amount to Two hundred Pounds or upwards, shall be under the Authority and Direction of the Court of Session, and shall without Delay be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, upon the highest Interest that can be got, in order that it may be applied, with the Approbation and by the Authority of the said Court, in the Purchase of Land Tax or in the Discharge of any Debt or Incumbrance affecting the said Lands, Houses or other Subjects, or affecting other Lands, Houses or Subjects belonging to the same Persons, and settled to the same or like Uses or under the like Conditions and Limitations; and when such Money cannot be applied to these or like Purposes, then the same shall be laid out in the Purchase or on the Security of other Lands, Houses, and Subjects of the like Nature, and the Rights and Titles thereof shall be devised to the same Person or Persons or for their Benefit, to the same Series of Heirs, for the same Uses and Purposes, and under the same Provisions, Conditions and Limitations, as the Lands, Houses and other Subjects taken and used for the Purposes of this Act, were devised and settled, or such of them as shall be then existing and capable of taking Effect; and in the mean Time, and until such Purchase or Security can be effected, the Interest of such Money shall be paid by Authority of the said Court, to the Person or Persons who for the Time would have been entitled to the Rents and Profits of the Lands, Houses or other Subjects so taken and used by the said Trustees.

If less than 200l. and above 20l.

XXIX. And be it enacted, That if such Money be less than Two hundred Pounds, but shall exceed Twenty Pounds Sterling, then at the Option of the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houses, and other Subjects conveyed to or taken by the Commissioners for the Purposes of this Act, to be signified in Writing under their respective Hands, or under the Hands of their Tutors, Curators or Trustees, in Cases of Minority, Lunacy or Trust, to be paid into one or other of the said Banks, under the same Direction

Direction and Authority, to be applied in the Manner before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be named by the Person or Persons making such Option, and approved of by Seven or more Commissioners under this Act, in order that such Money, and the Interest arising thereon, may be applied in the Manner before directed, so far as the Circumstances of the Case shall make it practicable.

XXX. And be it enacted, That where such Money shall be less than Twenty Pounds Sterling, then the same shall be applied to the Use of the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the Lands, Houses, and other Subjects so taken and conveyed for the Purposes aforesaid; in such Manner as the Commissioners or any Seven or more of them shall think fit; or in case of Trust, to his or their Trustees, or in case of Minority or Lunacy, to his, her or their Tutors or Curators, for the Use and Benefit of such Person or Persons so entitled respectively.

If less than 20l.

XXXI. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses or other Subjects, purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Houses or other Subjects, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Houses or other Subjects (describing them), subject to the Order, Controul and Disposition of the Court of Session; which said Court on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland* or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Banks as aforesaid.

In case of not making out Titles, &c.

Purchase Money to be paid into the Bank.

subject to the Order of the Court of Session.

XXXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Houses or other Subjects, or of any Estate, Right or Interest, in any Lands, Houses or other Subjects, to be purchased in pursuance thereof, the

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

[Loc. & Per.]

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Person

Person or Persons who shall have been in the Possession of such Lands, Houses, and other Subjects, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses or other Subjects, according to such Possession; until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Houses or other Subjects, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by Trustees.

XXXIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Houses or other Subjects, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Houses or other Subjects, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall, from Time to Time, pay such Sums of Money, for such Purposes, as the said Court shall direct.

Foot Pavements to be made by Proprietors.

Breadth of Foot Pavements.

XXXIV. And whereas it would be greatly for the Benefit and Convenience of the Inhabitants of the said Town, and of all Persons resorting thereto, that Foot Pavements were made on the Sides of the Streets, that the Foot Pavements and Streets were properly cleaned, and that all Obstructions and Nuisances were removed, and the same prevented in future: Be it therefore enacted, That the Owners or Proprietors of all Houses and other Buildings, or of Gardens or Grounds on which Buildings are not erected, which are adjoining to and fronting any Street, Square or other public or principal Place within the said Town, shall, at his, her or their Expence, cause the Grounds before his, her or their Property respectively, on the Sides of the said Streets, Squares and other public and principal Places, to be well and sufficiently paved with flat, hewn or other Stones, in such Manner and in such Form as the said Commissioners, (after visiting and inspecting the Grounds, and hearing the Parties concerned,) shall, by Decrees to be pronounced by a Majority of them, from Time to Time, direct and appoint, the Breadth of the said Pavements not to exceed Ten Feet in Front Streets, and Six Feet in Back Streets; and that it shall be in the Option of the Proprietors or Owners of the Gardens or Grounds within the said Town, on which no Buildings are erected, either to pave opposite their Property respectively, in Manner aforesaid, or to causeway the Foot Pavements before their Property with Whin Stones until built on: Provided always, that such Parts of the said Foot Paths as are opposite to Lanes or Closets which are Cart or Carriage Entries, may also, in the Option of the Proprietors, be paved with Whin Stones: Provided always, that the Proprietor shall only pay half of the Expence of such Foot Pavement, and the said Commissioners the other half; and that in case any such Owner or Proprietor shall refuse or neglect to cause

cause such Grounds to be paved, in Manner and Form so directed, within such Time as he, she or they shall be required so to do by a Decree pronounced by the said Commissioners, after having visited and inspected the Grounds and heard Parties concerned, that then it shall and may be lawful for the said Commissioners to cause the said Foot Pavements to be made in such Manner and Form as they shall order and direct, the Breadth of the said Foot Pavement not to exceed the Breadths before specified, and to cause the same to be done, half at the Expence of the Owners or Proprietors respectively; and in case any such Owner or Proprietor shall refuse or neglect to pay such Charges and Expences when required, it shall and may be lawful to any one of the said Magistrates or Justices of the Peace, to decern such Charges and Expences to be paid by such Owner or Proprietor, either to the Tradesman by whom the Work has been done, or to the Master of Police of the said Town, or to any other Person named by the said Commissioners, with the additional Expences incurred in recovering the same; and when once made, the said Foot Pavement shall be kept in Repair at the Expence of the said Commissioners.

In case of Refusal by Owners how Foot Pavements are to be executed.

XXXV. And be it further enacted, That when the Floors or Stories of the aforesaid Front Houses or Buildings belong to more Proprietors than one, the several Proprietors of the same House or Building shall cause the Ground before their respective Houses or Buildings to be paved in Manner aforesaid, the Expence being defrayed as aforesaid, in Proportion to the Rents of the respective Parts of the House or Building belonging to each of them, as the same shall, at the Time, stand rented in the Rent-Roll hereinbefore mentioned; and in case any Dispute or Difference shall arise amongst the several Proprietors of the same House or Building, relative to their Proportions of the aforesaid Expence, that then it shall and may be lawful for any one of the said Magistrates or Justices of the Peace to determine the same, according to the Rate of such Rents in the said Rent-Roll; and to decern for that Expence in Manner aforesaid.

How the Expence of Foot Pavements is to be proportioned.

XXXVI. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings belonging to such Owners or Proprietors, (in Default of the Proprietors paying the said Expence) in case he, she or they shall pay the Expences aforesaid, (which they are hereby authorized and required to do) to the Amount of the Rents due by them respectively, shall be at liberty, and they are hereby empowered to deduct and retain out of his, her or their Rents, such Sums of Money as they shall respectively pay on account thereof, for their respective Landlords, Owners or Proprietors, who are hereby required to allow such Payments accordingly; any Lease or Contract to the contrary notwithstanding.

In case the Proprietors fail to pay the Expence of such Foot Pavements the Tenants to pay and deduct from their Rents.

XXXVII. And be it enacted, That the said Commissioners shall keep in Repair the whole Streets of the said Town already paved, and shall pave all Streets not already paved, except One-half of the aforesaid Foot Pavements, and defray the Expences thereof from the Funds to be levied in virtue of this Act.

Commissioners to keep in repair the whole Streets paved, and pave those Streets that are not paved.

XXXVIII. And

Occupiers of Houses, &c. along the Foot Pavements to sweep, scrape and clean the same once every lawful Day.

XXXVIII. And be it enacted, That from and after the passing of this Act, in case the said Commissioners shall not judge it expedient to take the cleaning of the said Foot Pavements under their own Management, every Person or Persons who shall possess the Shops, or where there are no Shops, who shall inhabit the First Floor of any Dwelling House, or other House or Building adjoining to and fronting the Foot Pavements within the said Town, shall cause the same, along the Front of their respective Shops and Property, to be swept, scraped and cleaned once every lawful Day, between the Hours of Eight and Nine in the Morning: And every Person or Persons who shall possess the said First Floor, or where there are no Tenants therein who shall possess the Second Floor of any such Dwelling House or Building, shall cause the Pavement in Front of the Entry or Passage to such Dwelling House, and also the said Entry or Passage itself to be, in like Manner, swept, scraped and cleaned, once every lawful Day, between the said Hours of Eight and Nine in the Morning: And if they or any of them fail so to do, it shall and may be lawful for any one of the said Magistrates or Justices of the Peace, to decern, in a summary Manner, such Possessors and Proprietors to pay any Sum not exceeding One Shilling Sterling, for each Offence: And in case any Dispute shall arise among the Possessors or Occupiers of the Shops, Houses or Property adjoining the said Foot Pavements, or the said Entries or Passages, relative to the cleaning, scraping and sweeping the same, it shall and may be lawful to any one of the said Magistrates or Justices of the Peace to inquire into the Matter, and determine the same; And that where the Possessors of Shops, or Inhabitants of the First Floors or Stories of Dwelling Houses, sweep, scrape and clean the Foot Pavements, and Entries or Passages, in Manner aforesaid, they shall have Relief against the Inhabitants of the Upper Floors or Stories of these Houses for a Proportion of the Expence of so doing, corresponding to the Valuation of their respective Possessions, as rated in the said Rent-Roll; which Proportion shall, in case of Dispute, be determined and decerned for by any one of the said Magistrates or Justices of the Peace.

Penalty for Omission.

How the Expence of cleaning the Foot Pavements to be adjusted.

Scavengers to be employed.

XXXIX. And be it enacted, That it shall and may be lawful for the said Commissioners at all Times to contract with or employ Scavengers or other Persons to cleanse and sweep the public Streets, Squares, Passages and principal Places within the Town, and also the said Foot Pavements, if they shall think proper, and order to be removed and carried from thence, all Soil, Dirt, Ashes and Filth, to collect the same into Heaps, and afterwards to remove them to such Place and Places as the said Commissioners shall appoint; and that it shall and may be lawful to them to sell or dispose of, as public Property, the said Soil, Dirt, Ashes and Filth, for Manure, to such Person or Persons as may be willing to purchase the same; and the Money thence arising shall make Part of the Funds to be raised by virtue of this Act.

Closets, Lanes and Thoroughfares to be cleaned.

XI. And be it enacted, That from and after the passing of this Act, the whole Closets, Lanes or Thoroughfares within the said Town, which are not cleaned and swept by Scavengers appointed under the Authority of this Act, shall be kept clean and clear of all Dung, Filth or Rubbish, by the Occupiers thereof, at least Twice in each Week; and in case the

the Occupiers of such Clofes or of the Houfes and Buildings therein, shall not fo sweep and keep clean the faid Clofes, they shall forfeit and pay any Sum, not exceeding Ten Shillings Sterling for each Offence; and that when the faid Clofes, Lanes or Thoroughfares, or Houfes and Buildings therein, belong to more Proprietors than One, the feveral Occupiers shall be obliged to defray the Expence of sweeping and cleaning the faid Clofes, in Proportion to the Value of their refpective Properties: And in cafe any Difpute or Difference shall occur among fuch Occupiers, relative to their Proportion of the faid Expences, it shall and may be lawful to any one of the faid Magiftrates or Juftices, after hearing of the Parties concerned, by a Decree to be pronounced by him, to determine the Amount and Proportion to be paid by each Proprietor, and to decern for the fame in a fummery Manner, which Determination shall be final and binding on the Parties.

How the Expence of cleaning fuch Clofes, &c. is to be proportioned.

XLI. And be it enacted, That the faid Commissioners may make or caufe to be made, Common Sewers, Drains or Watercourfes within the faid Town for carrying the Water from the Roads, Streets, Squares, Lanes and Passages in the faid Town, not only along and across the fame, but alfo through any Grounds belonging to Corporations or Individuals in fuch Parts as are not built upon, and to repair the faid Common Sewers at all Times, provided that the Expence of making and keeping in Repair the faid Common Sewers, Drains and Watercourfes, shall be paid from the Funds to be levied in virtue of this Act, and the faid Common Sewers and others shall be covered over in a fufficient Manner, and the Top of the Covering shall be Twenty-four Inches below the Surface of the faid Grounds, or fuch other Depth as the Commissioners shall think proper; and that all Damages done to the faid Grounds and Fences or Buildings thereon, by making, covering or repairing the faid Common Sewers, Drains or Watercourfes, shall be paid by the Commissioners from the faid Funds, and in cafe of Difagreement between the faid Commissioners and fuch Corporations and Individuals, fuch Damages shall be afcertained by the Sheriff Depute of the faid County or his Substitute, who shall hear Parties and decern in a fummery Manner.

Commissioners may caufe common Sewers to be made.

XLII. And be it enacted, That the faid Commissioners, or any one of them, shall and may order and direct the Houfes, Buildings, Shops or Warehouses within the faid Town and Liberties thereof, to be numbered with Figures, to be placed or painted on the Doors, or on fuch other conspicuous Part thereof as the Proprietors shall think proper; and may likewise order to be painted or otherwise infcribed on a conspicuous Part of fome Houfe or Building, at or near the End or Corner of fuch Street, Square, Lane, Passage or Place, the Name of fuch Street, Square, Lane, Passage or Place; which Streets they are hereby authorized, if new, to name as they shall think proper; and any Person or Persons, who shall wilfully and maliciously destroy, injure, obliterate or deface any fuch Number, Figure, Name or Description, shall, for every fuch Offence, forfeit and pay any Sum not exceeding Two Pounds Sterling: Provided always, that when any of the faid Numbers may be unavoidably defaced, in confequence of the Shop, Door, Wall or other Place on which the fame is marked, being new painted, the Poffeffor or Proprietors of the faid Shop, Door or Wall, shall and they are hereby

Houfes, Shops, &c. to be numbered.

Penalty for defacing the Numbers.

[Loc. & Per.]

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required

required to replace the said original Number in a Character easily legible, where it formerly was or in some other conspicuous Place, and that within Ten Days after the same has been so defaced, under the like Penalty for each Offence.

Commissioners to purchase and erect Lamps, &c.

Penalty for wilfully breaking Lamps.

How Offenders are to be proceeded against.

Damages for accidental breaking of Lamps to be paid by the Party.

Penalty for drawing Sledges or

XLIII. And be it enacted, That the said Commissioners shall be and they are hereby authorised and empowered to take Possession of all the Lamps, Lamp Irons and other Appurtenances in the Possession of the Commissioners under the said recited Act, and to purchase and erect such a Number of additional Lamps, and place them in such Situations, and in such Manner as they shall think proper, and to employ or contract with any Person or Persons for providing and maintaining the whole of the Public Lamps, and for furnishing Oil and other Materials thereto, and lighting them from Time to Time, as they shall judge expedient; and also to direct and appoint to what Places the said Lamps shall be affixed, the Number of Lights in each Year, and at what Hour they shall be lighted, and for what Time they shall continue burning; and if any Person or Persons shall wilfully take away, break or throw down any Lamp or Lamps which now are or hereafter shall be set up within the Limits of the said Town or along the Bridge of *Dumfries*, or shall wilfully extinguish the Light or Lights within the same, or damage the Iron or Appurtenances thereof, it shall and may be lawful for any Person who shall see such Offence committed, to seize, and also for any other Person to assist in seizing, the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of a Peace Officer, in order to be secured and conveyed before one of the said Magistrates or Justices; and if the Party or Parties accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by their own Confession or by legal Evidence according to the Law of *Scotland*, such Offender or Offenders shall forfeit and pay any Sum not exceeding Ten Shillings Sterling for every Offence, and moreover, shall make Satisfaction for the Damages done; and in case such Offender or Offenders shall not immediately on Conviction, pay such Forfeiture, and make such Satisfaction, such Magistrate or Justice is hereby empowered to commit him, her or them to the public Jail or Correction House of the said Town, for a Space not exceeding Two Months: And that in case any Person or Persons shall accidentally break, throw down or damage any of the said Lamps or the Irons or Appurtenances thereof, it shall and may be lawful for any of the said Magistrates or Justices of the Peace to award such Sum or Sums of Money, by Way of Satisfaction for such Damages, as such Magistrate or Justice shall think reasonable, provided the Sum shall not exceed the real Damage sustained by such Accident, besides the Expences incurred in recovering the same; and in case of Neglect or Refusal of the said Person or Persons to pay such Sum or Sums of Money so awarded, within One Day after it is demanded, to cause the same to be levied by Distress and Sale of his or their Goods, the Surplus (if any) to be paid to such Person or Persons.

XLIV. And be it further enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to be carried, run, driven or drawn on any of

of the Foot Pavements within the said Town, or along the new Bridge over the River *Nith*, at the said Town, any Bier, Sledge or Wheelbarrow, Wheel or Wheels, or any Coach, Sedan Chair, Waggon, Cart or Carriage whatsoever (except directly across the same, on necessary Occasions) or shall wilfully ride, lead or drive any Horse, Ass, Mule or other Cattle (except when going directly across the said Foot Pavements to or from Stables or Cow-houses), upon any Part of the said Foot Pavements, or shall throw or cast any Dirt, Dung, Ashes or Rubbish, into or upon the same, or shall roll any Barrels, Hogheads or Casks, empty or full, along the said Foot Pavements, for any Distance whatever (except across them directly, to or from Cellars, Shops or Warehouses), or shall roll any such Barrel, Hoghead or Cask along any of the public or principal Streets, Squares or Places in the said Town (except from Shops, Cellars, Warehouses or other Places, directly to such Carts or Carriages as they are to be loaded upon, or from such Carts or Carriages as they have been loaded upon, directly to the Shops, Cellars, Warehouses or other Places in which they are to be deposited, not exceeding Thirty Yards in any Case), then it shall and may be lawful for any Person or Persons who shall see such Offence committed, to seize, and for any Person or Persons to assist in seizing such Offender or Offenders, and, by Authority of this Act, without any other Warrant, to convey and deliver him, her or them to the Custody of a Peace Officer, in order to be secured or conveyed before one of the said Magistrates or Justices, and the Party or Parties accused being brought before him, such Magistrate or Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear, or be produced to give Information touching such Offence (which Oath the said Magistrate or Justice is hereby empowered to administer), and if the Party or Parties accused shall be convicted of any such Offence, either by his, her or their own Confession, or the Oath of One credible Witness, he, she or they shall forfeit and pay any Sum not exceeding One Shilling Sterling for every Offence; and in case such Offender or Offenders shall not, upon such Conviction, immediately pay such Penalty, the said Magistrate or Justice is hereby authorized and required to commit him, her or them to Prison, for any Time not exceeding Two Days, unless such Penalty, and the Charges occasioned thereby, shall be sooner paid and satisfied.

Wheelbarrows, &c. along the Pavements;

and for throwing Ashes, &c. thereon, and for rolling Barrels, &c. thereon.

Offenders how to be brought to Justice.

XLV. And be it enacted, That no Carter, Waggoner, Chaise Driver or other Person, shall drive Carts, Waggon, Chaises or other Carriages, furiously along the Streets of the said Town, or shall leave the same standing in the Streets thereof, yoked or unyoked, to the Obstruction of the said Streets, during the Day or Night, any longer than shall be necessary for loading or unloading the same, under the Penalty of any Sum not exceeding Five Shillings Sterling for each Offence; and that no Person shall on Fair, Market or other Days, exhibit for Sale or shew any Horses or Cattle on any of the Streets, Lanes or Passages of the said Town, excepting only upon the Sands of *Dumfries*, or other fit Place appointed for the Purpose by the Magistrates thereof, and that at no Time shall any Person or Persons ride or drive any Horses or other Cattle furiously along or across the said Streets, under the Penalty of any Sum not exceeding Ten Shillings Sterling for each Offence.

Penalty for driving Carts furiously along the Streets;

and for shewing Cattle or Horses for Sale on the Streets.

XLVI. And

Dung to be removed from the Streets, &c. by Two o'Clock on the Day it is wheeled out in certain Months, and Twelve in other Months.

XLVI. And be it enacted, That all and every Person or Persons who shall lay or place Dung, or cause it to be laid or placed on any Part of the Streets or other public Ways of the said Town, for the Purpose of transporting it to the adjacent Grounds, shall remove and take away the same before Two of the Clock on the Day on which it is so laid down, in the Months of *November, December, January, February, and March*, and before Twelve of the Clock in the Months of *April, May, June, July, August, September and October*, and if any Ashes or Dung of any Kind shall be so laid, and remain upon any Parts of the said Streets or public Ways after the Hours before specified, it shall and may be lawful for the said Magistrates or Justices, or any one of them to decern the Person or Persons so offending, to pay any Sum not exceeding Five Shillings Sterling for each Offence, which shall and may be sold as public Property; and that the Persons employed in carrying or wheeling the said Dung into the Streets shall be obliged to scrape, sweep and cleanse the Foot Pavements over which the said Dung shall have been carried or wheeled, immediately after they shall have finished that Work, under a Penalty not exceeding One Shilling Sterling for each Offence.

Carpets, &c. not to be shaken between certain Hours.

XLVII. And be it enacted, That after the passing this Act no Person or Persons shall shake or clean any Carpets or others whatsoever, upon any of the Streets, Squares, Lanes or other Passages of the said Town, from Seven in the Morning until Nine at Night, under the Penalty of Five Shillings Sterling for each Offence; and no Person or Persons shall throw Water, Ashes or other Things whatsoever from any Windows or Doors of any House or Houses in the said Town, under the Penalty of Five Shillings Sterling for each Offence.

When Foundations are digging out, the Openings to be fenced off.

XLVIII. And be it enacted, That in case any Hole or Opening shall be made in any of the Streets, Lanes, Passages, Squares or public Places of the said Town or adjacent Streets, for the purpose of digging Foundations for Building, for digging Wells, Drains or any other Purposes, the Person or Persons making or causing to be made the said Holes or Openings, and the Persons employed or concerned therein, shall, at his, her or their own Expence cause a sufficient Rail or Fence of Ropes or other Materials to be put round the said Holes or Openings, and shall also cause a Lamp or Light to be affixed at or near the same, to be kept burning every Night that such Holes or Openings shall remain unfilled up, from Sun-setting to Sun-rising; and in case any Person or Persons shall refuse or neglect to affix and keep burning the said Lamps or Lights in Manner aforesaid, it shall and may be lawful for any one of the said Magistrates or Justices to decern the Person or Persons so offending to pay any Sum not exceeding Twenty Shillings Sterling weekly, so long as such Opening shall remain unfilled up: Provided also, That when it is necessary to take down or unroof any Houses and Tenements, fronting the Streets of the said Town, for the Purposes of rebuilding or repairing them, or for any other Purposes, or when it becomes necessary to perform any other Work upon the said Houses or Tenements, whereby Risk shall arise of Stones, Slates, Timber, or any other Materials falling upon the said Foot Pavements on the Sides of the Streets, that every Person or Persons carrying on or causing to be carried on such Works shall

When Roofs are repairing the opposite Foot Pavements to be fenced off and lighted.

shall at his, her or their Expence, fence round or cause to be fenced round, with a sufficient Rail or Rope or other Fence, those Parts of the said Foot Pavement which are opposite to the said Houses or Tenements, and shall uphold and keep in proper Repair and Condition, the said Rails, Ropes or other Fences, during the whole Time the said Works are carrying on, so as to prevent Passengers from walking along those Parts of the Pavement; and that it shall be lawful for, and in the Power of any one of the said Magistrates or Justices to fine the Person or Persons refusing or neglecting to fence round the said Pavements in a Sum not exceeding Five Shillings Sterling for each Day's Failure, and also to order the said Pavements so to be fenced in, at the Expence of the Person or Persons carrying on the said Works or Repairs.

XLIX. And be it enacted, That no Logs or Pieces of Wood shall be permitted to lie on any Road, Street or Lane, except in Timber Yards, nor shall any Log or Piece of Wood be transported or carried on or through any of the Streets of the said Town, or the said Bridge, above Twenty Feet in length, except when hung or laid on Wheels, and that any Person acting contrary hereto, shall forfeit and pay any Sum not exceeding Five Shillings Sterling for each Offence.

Penalty for drawing Timber along the Streets, except when hung on Wheels.

L. And be it enacted, That if any Person or Persons shall place or bring out upon any Street or Side Pavement, either on Stalls or otherwise, within the said Town, any Goods, Commodities, Provisions or other Matter or Thing whatsoever, and shall expose the same for Sale or Show in such Streets or Side Pavements, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings Sterling, and be obliged to remove such Goods, Commodities or other Things from such Streets or Side Pavements; and if the said Penalties be not immediately paid and the Goods or other Things removed, it shall and may be lawful for any One of the said Magistrates or Justices of the Peace, to cause the said Goods, Commodities and other Things so set out or exposed, to be removed, taken away and deposited in such Place or Places as he or they shall direct and appoint, there to remain until the Offender or Offenders shall have paid the Penalty, with the Charges and Expences attending the carrying away and depositing the same as aforesaid: Provided that nothing herein contained shall extend or be construed to extend, to prevent Persons exposing and setting out such Goods and Provisions in the said Streets, Lanes, Passages and other Places for Shew or Sale, on public Fair or Market Days in the said Town, and that the said Commissioners shall from Time to Time be authorised to make such Regulations and appoint such Places for the Sale of such Goods as may be exposed on Fair or Market Days, as to them shall appear least inconvenient to the Public, and that the Regulations for Market Hours shall continue to be the same as practised before the passing of this Act.

Penalty for erecting Stalls on the Foot Pavements, &c.

Except on Fair or Market Days.

LI. And be it enacted, That no Gunpowder shall be sold within the said Town by Candle-light, or before Sun-rising or after Sun-setting, under a Penalty not exceeding One Pound Sterling, to be paid for each Offence by the Person or Persons selling the same.

Penalty for selling Gunpowder by Candle-light.

Gunpowder Magazine to be erected without the Town.

Value of the Ground for such Magazine to be settled by a Jury.

Penalty for keeping more than 20lbs. of Gunpowder in any Shop, &c.

Gunpowder to be deposited in a Place by itself, secured by Lock and Key.

Watch-houses, &c. to be provided.

Commissioners to provide Fire Engines, &c.

LII. And whereas no Gunpowder Magazine has ever been built for the Accommodation of Dealers in Gunpowder, and for the Safety of the said Town, and where the Ammunition belonging to the *Dumfriesshire* Local Militia, which at present amounts to a very considerable Quantity, and that of His Majesty's Troops quartered at *Dumfries*, may be deposited; be it enacted, that the Magistrates and Town Council of *Dumfries* in Conjunction with the Commissioners of the Land Tax of the said County, shall within Twelve Months after the passing of this Act, be obliged to build and erect or cause to be built and erected, a sufficient and commodious Magazine for the Purposes aforesaid, in such a Situation without the said Town as shall appear to them most proper, with Power to them to take Possession of the necessary Ground for such Building, and proper Access thereto, upon paying the Proprietor for the Value of such Ground, to be adjusted by a Jury in Manner herein before directed: Provided always, that the said Magistrates and Town Council, and Commissioners of the Land Tax shall, after the said Magazine is erected, be entitled to charge such a Rent for the several Apartments thereof, from those using the same, as will pay them not more than Seven Pounds Ten Shillings *per Centum* for the Money expended on purchasing the necessary Ground and building the said Magazine thereon.

LIII. And be it enacted, That no Merchant, Shopkeeper, or other Person or Persons shall keep, at the same Time, in any House, Shop, Cellar, Warehouse, or other Apartments within the said Town, more than Twenty Pounds Weight of Gunpowder, under a Penalty not exceeding Forty Shillings Sterling for every Offence, besides forfeiting all the Gunpowder which shall be found in his, her or their Houses, Shops, Cellars, Warehouses or other Apartments, exceeding the aforesaid Weight; and that the aforesaid Quantity of Twenty Pounds Weight allowed to be kept within the Houses, Shops, Cellars, Warehouses and other Apartments aforesaid, shall be deposited in a Place by itself, separate from all other Goods or Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound Sterling for each Offence, by the Occupier of the said Houses, Shops, Cellars, Warehouses, or other Apartments.

LIV. And be it enacted, That there shall be a Watch House or Houses provided in a suitable Place or Places in which Persons apprehended by virtue of this Act shall be detained, until the Master of Police of the said Town shall cause them to be conveyed before the Court appointed by this Act, on the following Day; and a sufficient Number of Watch Boxes, Watch Coats, Watch Poles, and other Weapons for the due Execution of this Act, shall likewise be provided, the Property of which shall be vested in the said Commissioners; and that the Expence of providing and maintaining the same, as well as the Expences of obtaining this Act, shall be defrayed out of the first Monies to be levied in virtue hereof.

LV. And be it enacted, That the said Commissioners shall, and they are hereby empowered, and required, to provide, out of the Funds to be raised in virtue hereof, a proper Engine or Engines, with the necessary Appur-

Appurtenances, and to take under their Charge and Management, all the Fire Engines and Appurtenances for extinguishing Fire, now belonging to the Burgh of *Dumfries* for the general Use, and to appoint a Superintendent of Fire Engines, to take Charge thereof, with such a Number of active Firemen as they may think expedient for working the same in a proper Manner, and for assisting in the extinguishing of Fires which may happen within the said Town; and also to make such Rules and Regulations for the Government of such Superintendent and Firemen as to them shall seem proper, with Power to the said Commissioners to build or rent a proper House, in which the said Engines and Appurtenances shall be kept, which House shall be in the most convenient Situation for the said Town; and the Expences of keeping and maintaining the said Engines and Appurtenances, and of building and keeping the said House in sufficient Repair, or of renting such House, as well as of paying the said Superintendent and Firemen, shall be defrayed out of the Funds to be raised in virtue hereof.

and to appoint Superintendent thereof and Firemen;

and to make Regulations for such Superintendent and Firemen.

LVI. And for the more prompt Supply of Water, in Cases of Fire in the said Town, be it enacted, That all Persons plying upon the said Streets with Carts or other Carriages, with Water for Sale, shall, on Requisition being made to them by the Superintendent of Fire Engines, or by any of the Firemen or others, be compelled instantly to repair to the Place where any Fire may happen to be, with their Water Carts or other Carriages, in order to supply the said Engines with Water, and they shall continue to do so until the Fire is extinguished, being entitled to a Recompence adequate to their Labour from the said Commissioners; and that every Person or Persons having Pumps or Wells erected within their Premises, shall, in all Cases of Fire, be obliged to give ready Access thereto, at all Times, to the said Firemen and others, under the Penalty of Five Pounds Sterling for each Refusal.

Watermen obliged to assist in extinguishing Fires.

LVII. And whereas, in order to prevent Frauds and Impositions upon the Inhabitants of the said Town, it is expedient that proper Regulations should be adopted with regard to the Weight of Bread baked therein for Sale, be it therefore enacted, That the Provost and Magistrates of *Dumfries* shall have full Power, and they are hereby authorized and required, to order and appoint, that no Bread shall be baked for Sale within the said Town, or brought thereto for Sale, other than Peck Loaves, Half Peck Loaves, Quarter Loaves, or Half Quarter Loaves, excepting small Loaves not exceeding the Price of Threepence each; and that the Peck Loaf shall weigh Seventeen Pounds Six Ounces, the Half Peck Loaf shall weigh Eight Pounds Eleven Ounces, and the Quarter Loaf shall weigh Four Pounds Five Ounces and a Half, all of Avoirdupois, and the Half Quarter Loaf in Proportion, of whatever Quality or Fineness the Bread may be baked, or at whatever Price it may be sold, which Order of the Magistrates shall be published twice in a *Dumfries* Newspaper; and the said Provost and Magistrates shall have Power, and are hereby authorized and required, from Time to Time, and as often as they shall think necessary, to affix the highest Price at which the said Bread so baked shall be sold, in the same Manner and by the same Evidence whereby they have hitherto been in Use to regulate the Weight or Assize of Bread; and that no Baker shall sell such Bread for a larger Sum than the Price

Regulations as to the Baking and Sale of Bread.

The Provost and Magistrates to fix the highest Price on Bread;

so

to fixed, nor unless the same shall be stamped according to the Regulations established in the Burgh, under a Penalty not exceeding Five Pounds Sterling for each Offence.

Commissioners to make Regulations and Bye-Laws;

and to repeal, add to, and alter such Bye-Laws:

but not to take effect until ratified and confirmed by a General Meeting called for the Purpose.

Police Officers to aid the Civil Magistrates in bringing Offenders to Justice.

LVIII. And be it enacted, That the said Commissioners shall and they are hereby authorized to make such further Regulations, and such Orders, Rules and Bye-Laws as may be necessary for the Preservation of Peace and good Order, for promoting the Comfort, and securing the Lives and Property of the Inhabitants within the Wards before mentioned, and for the more effectually carrying this Act into Execution in every Respect, provided that such Regulations, Orders, Rules and Bye-Laws shall not be repugnant to this Act, or to the Law of that Part of the United Kingdom called *Scotland*, and also from Time to Time as Occasion may require, to repeal, add to, amend or alter such Regulations, Orders, Rules and Bye-Laws, or any of them, and to enforce the same by Penalties, not exceeding, in any Case, Twenty Shillings Sterling, to be recovered in Manner hereby directed: But it is hereby declared, that the Regulations, Orders, Rules or Bye-Laws here referred to, shall not be made, nor shall the same be repealed, added to, amended or altered at the Meeting at which any such Measure shall be proposed; but an Adjournment shall take place for a Space not less than Fourteen Days, and in the mean Time, the Regulations, Orders, Rules and Bye-Laws proposed, or Repeals, Additions, Amendments and Alterations intended, shall be communicated to all the Commissioners, by sending Notice to each of them of what is proposed to be done, Eight Days at least before the adjourned Meeting shall take place: Provided also, that none of the Regulations, Orders, Rules and Bye-Laws, Repeals, Additions, Amendments and Alterations shall become valid or take effect, until they shall be ratified and confirmed by a General Meeting of the said Commissioners; and the said Regulations and others, with such Ratifications, shall be registered in the Sederunt Book of the said Commissioners, and published once in a *Dumfries* Newspaper.

LIX. And be it enacted, That the Duty of the said Master of Police, Clerk, Collector and other Officers aforesaid, shall be, and they are hereby authorized and required to aid and assist the Magistrates of the said Town in apprehending, detecting and bringing to Justice Persons guilty of Street Robberies, Housebreakings, Assaults, Theft, Reset of Theft, Shop-lifting, Picking Pockets, Swindling, Breaches, of the Peace, and other Crimes, by causing the Persons accused thereof to be apprehended and imprisoned upon legal Warrants, and proceeded against in Terms of Law, in apprehending and putting the Law into Execution against Vagabonds, Vagrants, idle and disorderly Persons, and public and sturdy Beggars, and other Persons who follow no legal Employment or Occupation, in suppressing disorderly public Houses and other Houses frequented by Persons of the foregoing Descriptions, in suppressing Mobs and Riots, in assisting to extinguish Fires, in putting the Laws into Execution, by which Carters, Owners and Drivers of Carts and other Carriages are prohibited from leaving the same on the Streets, Roads and Passages, and riding on their said Carts and Carriages, in seeing that the said Streets, Squares, Lanes, Passages and other Places, are properly lighted and cleaned, in keeping in good Order the public Markets of the said

said Town, and the Persons resorting to and dealing therein, in guarding, patrolling, or watching the Streets, and in general in aiding and assisting the said Magistrates in all Matters relative to regulating the Police and preserving the Peace and good Order of the said Town, and executing the different Purposes of this Act.

LX. And be it enacted, That if any Person or Persons shall at any Time obstruct, hinder or molest any Watchman or other Officers who shall be employed in the Execution of his or their Duty under this Act, every Person or Persons so offending, shall forfeit and pay any Sum not exceeding Two Pounds Sterling for every such Offence; and if any Person or Persons shall assault or strike any Watchman or other Officers employed in the Performance of his or their Duty under this Act, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Penalty for obstructing Police Officers on Duty.

LXI. And be it enacted, That if any Proprietor or Possessor of a House or Houses within the said Town, shall at any Time let by the Year or otherwise, such House or Houses or Parts thereof, to vagrant, idle and disorderly Persons, or public and sturdy beggars, or suspicious Persons following no lawful Occupation or Employment, every such Proprietor or Possessor shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Penalty for letting Houses to Vagrants and suspicious Persons.

LXII. And be it enacted, That it shall be lawful for the said Commissioners to direct Enumerations of the Inhabitants to be made from Time to Time, and as often as they shall think expedient, and the resident Commissioners in their respective Wards shall take Measures for accomplishing that Object, and shall and may by themselves, or the Officers of Police belonging to their respective Wards, require signed Lists of the Persons therein; and all Innkeepers and Masters of Hotels, Public-houses, Lodging-houses and other Houses of Entertainment, shall give and they are hereby directed, when required by the Master of Police or any resident Commissioner of their Ward, or Persons acting under a written Order from the Master of Police or from a resident Commissioner, to give the Names, and Occupations of and otherwise describe all Persons living in their Houses and Families, under the Penalty of forfeiting for every Refusal or erroneous Statement, any Sum not exceeding Ten Shillings Sterling, and in case the resident Commissioners shall observe in their respective Wards, any Person or Persons under suspicious Circumstances, they or any of them shall give Notice thereof to the Master of Police, who shall apply for a Warrant or Warrants to bring such suspected Person or Persons before One of the Bailies of *Dumfries* or Justices of the Peace for the said County for Examination, and to be dealt with according to Law.

Enumeration of Inhabitants to be made up.

Innkeepers, &c. to give up Lists of Lodgers to the Master of Police.

LXIII. And be it enacted, That in all Prosecutions against Offenders, who shall have transgressed against any of the Provisions of this Act, where the Punishment shall not exceed Thirty Days' Confinement in the Jail or Correction House, or the Fine to be imposed shall not exceed Two Pounds Sterling, the Procedure against such Offenders may be of a summary Nature, without any Written Pleadings, it being

Procedure in certain Cases against Offenders to be of a summary Nature.

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hereby provided that a Record shall be preserved of the Charge, and of the Judgement pronounced against such Offenders.

Clerk or other Person to be appointed by the Commissioners to prosecute for Penalties, &c.

LXIV. And be it enacted, That it shall be competent to the Clerk to the said Commissioners, or to any other Person appointed by them, from Time to Time, which they are hereby authorized to do, as they may see Cause, to bring Actions, and Executions shall pass at his Instance, for Performance of all and each of the Obligations, and for levying and recovering all and each of the Penalties hereinbefore specified.

A Magistrate or Justice may decern for Penalties, &c.

LXV. And be it further enacted, That it shall and may be lawful for any one of the Magistrates of *Dumfries*, or any one of His Majesty's Justices of the Peace for the County of *Dumfries*, to decern in a summary Manner for the several Penalties, Damages and Expences, imposed by this Act (the Manner of levying or recovering whereof is not otherwise herein particularly directed); and in case the Penalty or Forfeiture be not immediately paid, the said Magistrate or Justice, when the Sum decerned for does not exceed One Pound Sterling, shall, and he is hereby empowered to commit the Person or Persons refusing to Prison, for any Time not exceeding Fourteen Days, unless such Penalties, Damages and Expences, and the Charges incurred in levying or recovering the same, shall be sooner paid and satisfied.

and may commit to Jail in case of not Payment of Penalties not exceeding

Where Penalties exceed One Pound the same to be levied by Distress and Sale of the Offender's Effects;

LXVI. And be it further enacted, That when the Penalties, Forfeitures, Damages and Expences decerned for shall exceed the Sum of One Pound Sterling, it shall and may be lawful for any One of the said Magistrates or Justices, upon the Conviction of the Offender or Offenders, by their own Confession or by legal Evidence, according to the law of *Scotland*, in case the Offender or Offenders shall not immediately pay the Sum or Sums decerned for, to cause the same to be recovered and levied by Distress and Sale of the Offender or Offenders' Goods and Effects, by Warrant under the Hand of any One of the said Magistrates or Justices, and, after deducting the Charges of such Distress and Sale, the Surplus, if any, arising by such Sale, shall be paid to such Person or Persons; and in case sufficient Goods and Effects shall not be found, it shall and may be lawful for such Magistrate or Justice to cause such Person or Persons to be committed to the Common Jail of the said Town, therein to continue for a Time not exceeding Twenty Days, unless the Sums of Money so decerned for, and all reasonable Charges, shall be sooner paid and satisfied: Provided always, that in all Cases where the said Magistrates or Justices are empowered to decern for the Expence of any Works or Operations, or of any other Expences, Sums of Money, Damages or Penalties, under the Authority of this Act; it shall be lawful to such Magistrate or Justice, and in his Power also to decern for the Costs of Suit over and above such Expences, Sums of Money, Penalties and Damages.

And in case sufficient Effects are not found, by Imprisonment.

Magistrates and Justices may shorten the Period of Confinement of Offenders.

LXVII. And be it enacted, That it shall be lawful to and competent for any of the said Magistrates or Justices of the Peace to release from Confinement any Person committed to the Jail or Correction House of the said Town, for any Offence against this Act, although the Period for which such Person was committed be not expired, upon being satisfied

of

of the good Behaviour of such Person during his or her Confinement, and that he, she or they shew Marks of Penitence and Amendment.

LXVIII. And be it enacted, That the whole of the pecuniary Penalties and Forfeitures incurred by this Act shall, in the first Place, be applied in Payment of the Expences incurred in prosecuting Offenders against this Act, and the Balance shall be paid into, and make Part of the Funds under the Direction of the said Commissioners.

Penalties and Forfeitures after paying Expences to make Part of the Police Funds.

LXIX. And be it enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this Act, or by any Regulations, Rules, Orders or Bye Laws made in pursuance thereof, it shall and may be lawful to and for such Person or Persons to appeal to the Justices of the Peace for the County of *Dumfries*, at their next Quarter Sessions assembled; provided that such Appeal shall be lodged with the Clerk of the Peace for the said County within Ten Days after the Matter thereof shall have arisen, of which Notice shall be given to the Defender or Defenders; and the Judgment of the said Justices upon such Appeals shall be final and conclusive, without being subject to Advocation, Suspension or Reduction, or to any Stay or Challenge by other Process of the Law whatsoever.

Appeal.

LXX. And be it enacted, That no Action shall be commenced against the said Commissioners, or any other Person or Persons, for any Thing done in the Execution of this Act, after Three Calender Months from the Time the Fact is committed, and the Defender or Defenders in such Action or Process may produce this Act and plead that the said Things were done by Authority and in virtue thereof; and if they shall appear so to be done, then and in that Case the said Defender or Defenders shall be assolized from such Action or Process, and the Pursuer or Pursuers in such Action shall be found liable to pay the said Defender or Defenders the whole Expence of Process incurred by the said Defender or Defenders.

Limitation of Actions.

LXXI. Provided always and be it enacted, That nothing in this Act contained shall extend to or be construed to take away, abridge or diminish any Rights, Privileges, Jurisdictions and Powers which now belong to and are enjoyed by the Commissioners of the Land Tax, Trustees of the Highways of the County of *Dumfries*, or Stewartry of *Kirkcudbright*, or by the Magistrates and Town Council of *Dumfries*, or to invalidate the legal Claims which any Corporate Body have by virtue of Royal Charter or otherwise.

Saving Clause.

LXXII. And be it enacted, That the Expences of procuring and passing this Act shall be paid out of the Monies raised by virtue thereof.

Expences.

LXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

To be deemed a Public Act.

LXXIV. And

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51° GEORGE III. *Cap.* 146.

Endurance of
the Act.

LXXV. And be it enacted, That this Act shall continue in Force for the Period of Twenty-one years, and from thence to the End of the then next Session of Parliament.

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