

the Time being; the Dean of Guild thereof for the Time being; and Seven Members from the Guildry Incorporation, and One Member from each of the seven Incorporated Trades of the said City who are represented in the Town Council thereof, to be chosen in Manner hereinafter mentioned; and the Sheriff Depute of the Shire of *Pertb* for the Time being and his Substitutes, shall be, and they are hereby appointed Commissioners for carrying the whole Purposes of this Act into execution.

Election of the Commissioners, who are to be annually chosen.

II. And be it enacted, That the said Seven Commissioners from the Guildry Incorporation, and One Commissioner from each of the said Incorporated Trades of the said City, shall be chosen on the *Sixth Monday* after the passing of this Act, by open Election, and Plurality of Voices of the said Guildry Incorporation and Incorporated Trades respectively; and in case of an Equality in any of the said Elections, the Person presiding at the Election Meeting shall, besides an original Vote, be entitled to a casting or decisive Vote, and the Persons so to be elected shall continue in Office till the ensuing Days of the annual Election of Dean of Guild and Deacons of the said Incorporations for the said City, on which respective Days annually thereafter, the said Seven Commissioners from the said Guildry Incorporation, and One Commissioner from each of the said Seven incorporated Trades shall be chosen in Manner as hereinbefore directed, with regard to the first Election of the same; and in case of any Vacancy or Vacancies occurring within the Year of the Commissioners to be chosen as aforesaid, by the Death or Incapacity of any One or more of such Commissioners, such Vacancy or Vacancies shall be supplied by electing a Commissioner or Commissioners in the Room of such of them as may so die or become incapable to act within the Year, from the said Guildry Incorporation, and Seven Incorporated Trades respectively, as such Vacancy or Vacancies may happen; and for any such Election to be made by the said Guildry Incorporation, the Dean of Guild of the said City, or by the said Seven Incorporated Trades, the Deacon of the Trade in which the Vacancy shall happen shall appoint a convenient Day, of which Four free Days' previous Notice shall be given; and such Elections shall in other respects be conducted and made as before directed, with regard to the first and Annual Elections.

General Meeting.

III. And be it enacted, That the said Commissioners shall, in all Years except the present Year, hold Four General Meetings in the Year for carrying this Act into Execution; that is to say, on the *Second Monday of January*, the *Second Monday of April*, the *Second Monday of July*, and the *Third Monday of October*, within the Town Hall of the said City, or other convenient Place, to be fixed and appointed for that Purpose, by the Commissioners at a General Meeting assembled; and shall hold their first General Meeting on the *Seventh Monday* after the passing of this Act, and shall hold Two other General Meetings in the present Year, on the *Second Monday of July*, and the *Third Monday of October*, with Powers at such General Meetings to adjourn to such Time and Place as shall appear expedient; and Five of the said Commissioners shall at all their Meetings form a Quorum, and shall be competent to do any Business; but any Number less than Five; or if only One Commissioner shall attend at any Meeting, such

Quorum.

Number

Number less than Five or One Commissioner shall have Power to adjourn to such Time and Place as shall appear expedient, such Adjournment as last mentioned being always advertised Once at least One Week before the Day of the adjourned Meeting, in some one Newspaper published in the said City; or if no Newspaper is there published, then by printed or written Notices, to be left for the said Commissioners at their usual Places of Abode; and at all Meetings to be held under this Act, the Commissioners shall defray their own Expences.

Commissioners shall defray their own Expences.

IV. And be it enacted, That at all Meetings of the said Commissioners the Provost, and in his Absence the Senior Baillie of the said City, or if only one Baillie shall be present, the Baillie present for the Time, being a Commissioner under this Act, shall be Præses of the Meeting; and in case of their Absence it shall be in the Power of the other Commissioners to choose a Præses of the Meeting for the Time; and at all such Meetings, the Præses of the Meeting shall, in addition to his original Vote upon all Business before the Meeting, be entitled, in case of Equality, to a casting or decisive Vote.

Præses of General Meetings.

V. And be it enacted, That the said Commissioners shall be, and they are hereby empowered, at some General Meeting in every Year, to name and appoint a Collector or Collectors of the Rates and Duties to be levied and collected under the Authority of this Act, and Clerks and other Officers necessary for carrying this Act into Execution, and when they shall see Cause, to displace the said Collector or Collectors, Clerks or other Officers; and the Collector or Collectors, Clerks or other Officers to be appointed to Offices of Trust under this Act, shall be obliged to grant Security to the said Commissioners for the due Execution of their respective Offices.

Collectors, Clerks and Officers to be appointed.

Who shall find Security.

VI. And be it enacted, That the said Commissioners shall be, and they are hereby authorised and empowered, annually, during the Continuance of this Act, to assess and levy, or cause to be assessed and levied from the Occupiers, whether Owners, Life-Renters, Tenants, or Possessors by other Titles, of all Houses, Shops, Warehouses, Manufactories, Cellars and Buildings within the said City and Suburbs thereof, an Annual Rate and Assessment not exceeding One Shilling in the Pound, of the Yearly Rent or Yearly Value of such Houses, Shops, Warehouses, Manufactories, Cellars and Buildings: Provided always, that the said Assessment shall not extend to Persons who may possess Dwelling Houses of less Yearly Rent or Yearly Value than Three Pounds Sterling, and that no one Person or Copartnership, whatever may be the Extent of the Yearly Rent or Yearly Value of the Premises that they may occupy, shall pay upon a Sum greater than One hundred Pounds Sterling, the Individuals forming such Copartnerships also paying for what they separately occupy as Individuals.

Annual Rate or Assessment to be levied.

VII. And be it enacted, That the said Commissioners, at their First or any subsequent Meeting for putting this Act into execution, shall appoint a proper Person or proper Persons to be Surveyor or Surveyors for ascertaining the Rents of all such Houses, Shops, Warehouses, Manufactories, Cellars and Buildings, if occupied by Tenants, and the Rents at which the same are worth, to be let by the Year, if occupied by Owners,

Surveyors to be appointed, &c.

Owners,

Owners, Life-Renters, or Possessors by other Titles, with Power to such Surveyor or Surveyors, between the Fifteenth Day of *May* and Fifth Day of *July* Yearly, to require from all Tenants of the Premises aforesaid, which are or shall be let to Tenants, to give in to such Surveyor or Surveyors, distinct Specifications of the Rents payable by them respectively, such Specifications to be certified upon Oath, if required, and which Oath any one of the Magistrates of the said City is hereby authorised and empowered to administer, and also to enter upon and survey all such Houses, Shops, Warehouses, Manufactories, Cellars and Buildings as shall not be let to Tenants at the Time, but be occupied by Owners, Life-Renters, or Possessors by other Titles; and such Surveyor or Surveyors shall thereupon make up and deposit with the said Commissioners, or their Clerk or Treasurer, a distinct Roll or Return of the Yearly Rent or Yearly Value for which each Occupier is to be assessed, and of the Sum payable by him or her, and shall also leave or cause to be left for every such Occupier, at his or her Dwelling Place, or on the Premises, a Notice in Writing, of the Yearly Rent or Yearly Value at which such Occupier is rated, and of the Sum payable by him or her; and if any Occupier or Occupiers shall think himself, herself or themselves overcharged in the said Roll or Return, it shall be lawful for such Occupier or Occupiers within Fourteen Days after Notice given to him, her or them, of the Sum or Sums at which he, she or they is or are respectively rated, to give Notice in Writing to the Clerk of the said Commissioners of the Overcharge complained of; and the said Commissioners shall meet in the Town Hall of the said City, annually, upon the Second *Monday* of *August* at Eleven o'Clock in the Forenoon, (with Power to adjourn, if necessary) for the Purpose of hearing the Parties, and finally fixing the Amount of the Yearly Rent or Yearly Value according to which such Occupier shall be assessed: And in case it shall appear to the said Commissioners that the Yearly Rent or Yearly Value of the Premises of any Occupier or Occupiers given in by the said Surveyor or Surveyors has been stated too low in the Roll or Return given in as aforesaid, they shall and may direct Notice thereof in Writing to be given to such Occupier or Occupiers, and shall in such Notice appoint a Day for hearing the Parties, and deciding thereon, and upon such Day so appointed as aforesaid, the said Commissioners, upon hearing the Matter, shall finally determine the Amount of the Assessment to be paid by such Occupier or Occupiers.

A second
Return to be
made in
every Year;

VIII. Provided always, That the Roll or Return so to be made by such Surveyor or Surveyors as aforesaid, shall include all Houses, Shops, Warehouses, Manufactories, Cellars and Buildings actually inhabited, or in which any Furniture or Goods shall be deposited at the Time, and that a second Enquiry and Survey shall be made in Manner aforesaid, between the Eleventh Day of *November* and Thirty-first Day of *December* in every Year, of such Houses, Shops, Warehouses, Manufactories, Cellars and Buildings as were uninhabited, or in which no Furniture or other Goods were deposited at the Time of the first Enquiry and Survey, and if any such Houses, Shops, Warehouses, Manufactories, Cellars and Buildings, shall be inhabited, or if any Goods or Furniture shall be deposited therein at the Time of such second Enquiry and Survey, the Rents thereof shall be added to the said Rent-roll or Return, and assessed for One-half of the said yearly Rate, and Notice thereof shall be given in Writing
to

to each Occupier, and of the Sum payable by him or her; and in case any Occupier or Occupiers shall think himself, herself or themselves overcharged in regard to the said Half-yearly Assessment, it shall be lawful for him, her or them, within Fourteen Days after such Notice given of such Rate and Assessment, to give Notice in Writing to the Clerk of the said Commissioners, of the Overcharge complained of, and the said Commissioners shall appoint a Time for hearing Appeals, in regard to the said Half-yearly Rate and Assessment, and shall otherwise proceed therein, as well in regard to the said Overcharge as to the said Half-yearly Rate or Assessment, in case the same shall appear to the said Commissioners to be too low in manner as hereinbefore directed, in regard to the said first or Yearly Assessment.

with similar Powers of Appeal, &c.

IX. And be it enacted, That if any Tenant shall neglect or refuse, when thereto required, to give in a distinct Specification to such Surveyor or Surveyors of the Rents payable by him or her in Manner before mentioned, or if any Person or Persons shall hinder or obstruct any such Surveyor or Surveyors from making any Survey authorized by this Act, such Tenant, or Person or Persons shall, for every such Offence, forfeit and pay to the said Commissioners a Sum not exceeding Five Pounds Sterling.

Penalty on obstructing Surveyors, &c.

X. Provided always, and be it enacted, That where any of the Premises aforesaid shall be let out by the Proprietor, Life-renter, or by any principal Tenant thereof, for any Period less than a Year, such Proprietor, Life-renter or principal Tenant thereof so letting out the same, shall be deemed and held the Occupier thereof, and as such shall be assessed for and liable in payment of a proportional Part of the Rates and Duties aforesaid, corresponding to the Period for which the same shall be so let out.

Premises let out for less than a Year the Proprietor, &c. or principal Tenant shall be held the Occupier.

XI. Provided also, and be it enacted, That when any of the Premises aforesaid shall be let by the Year, the Rent at which the same shall be so let shall be the Rule for assessing and levying the Rates and Duties aforesaid, but where the same shall not be let for a whole Year, but for any fractional Part or Parts of a Year, the yearly Value, to be ascertained in Manner before mentioned, shall be the Rule for assessing and levying such Rates and Duties.

When let by the Year the Rent to be the Rule for Assessment; when for a shorter Period the yearly Value to be the Rule.

XII. And be it enacted, That it shall be lawful to and in the Power of the said Commissioners to give such Abatement or Relief from any Rate or Assessment to be made under the Authority of this Act, as the Circumstances of any Person or Persons applying for the same may to them seem to require.

Commissioners may give Abatement and Relief.

XIII. And be it enacted, That the said yearly Rate or Assessment shall be payable and be paid by Two equal Portions on the Eleventh Day of *November* and Fifteenth Day of *May*, and the First Portion thereof shall be payable and be paid on the Eleventh Day of *November* in this present Year One thousand eight hundred and eleven, and the Second Portion thereof, on the Fifteenth Day of *May* in the succeeding Year, and the said Half-yearly Assessment shall be payable and be paid on the Fifteenth Day of *May* in the Year after the same shall have been assessed, and if any Person or Persons who shall be rated or assessed by virtue of this

Rate or Assessment how to be levied.

[*Loc. & Per.*]

8 B

Act

Act shall refuse or neglect to pay the Rate or Assessment charged upon him, her or them for the Space of Ten Days next after his, her or their respective Rate or Rates, shall be due and demanded by the Collector or Collectors authorized and appointed to collect and receive the same (such Demand being either personally made to the respective Person or Persons so charged, or left in Writing at his, her or their respective Place or Places of Abode), then and in every such Case it shall and may be lawful to and for such Collector or Collectors, having a Warrant or Warrants under the Hands of any Two Magistrates of the said City (which Warrant or Warrants the said Collector or Collectors is and are hereby required to apply for, and the said Magistrates are hereby authorized and required to grant), and with the Assistance of a Constable or other Peace Officer, to enter into the House or Houses, Apartment or Apartments of such Defaulter or Defaulters, and then and there to seize and keep Possession of his or their Goods and Chattels; and if the said Rate or Assessment shall not be paid within Three Days next after such Seizure is made, together with the Costs and Charges thereof, then to sell by public Auction, upon the Premises, 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 Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Rate and Assessment vested in the Commissioners.

XIV. And be it enacted, That the said Monies arising from the said Rate and Assessment shall be and the same are hereby vested in the said Commissioners, and the same shall be applied, laid out and expended under the Authority of the said Commissioners in paving, lighting and cleaning the Streets, Ways, Passages and other Public Places of the said City, and in defraying the Salaries, Wages or Expences of Collectors, Clerks, Surveyors or other Officers incident thereto; and in case any Surplus Monies shall remain after executing the Purposes aforesaid upon settling the Account thereof, which the said Commissioners are hereby authorized and required to do once in every Year at least, the same shall be applied in carrying into effect the similar Purposes of this Act for the Year following, and the Rate or Assessment for such Year following shall be proportionally diminished.

Money to be borrowed.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners at any of their stated General Meetings, and from Time to Time, to borrow such Sums of Money on the Credit of the said Rate and Assessment for the Purposes of this Act, as they shall judge necessary, not exceeding such Amount, as that the Rate and Assessment aforesaid shall be sufficient to pay the Interest of the Sums borrowed, and to set apart yearly and every Year a certain proportion thereof for a Sinking Fund, in Manner after-mentioned.

Rate and Assessment may be assigned.

XVI. And be it further enacted, That the said Commissioners shall be, and they are hereby empowered to assign and make over the whole or any Part of the said Rate and Assessment to the Person or Persons from whom the said respective Sums as aforesaid shall be borrowed, as a Security for the Payment of the Sum or Sums of Money so lent by them, with the Interest thereof.

XVII. And

XVII. And be it further enacted, That for every Sum or Sums of Money which shall hereafter be borrowed by the said Commissioners, on the Credit of the said Rate and Assessment, the said Commissioners shall set aside and apportion a certain annual Sum arising out of the Produce of the said Rate and Assessment as a Sinking Fund for the Redemption of the Sum or Sums so borrowed, over and above the Interest payable for the Sum or Sums so borrowed as aforesaid, and the said Sum so set aside as a Sinking Fund, shall not be in a less Proportion to the Sum or Sums so borrowed, than *Three per Centum per Annum*.

Sinking Fund established.

XVIII. Provided always, and be it enacted, That no Money shall be borrowed by the said Commissioners on the Credit of the said Rate and Assessment, unless Notice for that Purpose shall be published in One Newspaper, published in the said City of *Perth*, at least Ten Days before the borrowing of such Money, and if no Newspaper is there published, then by printed Notices, to be left for the said Commissioners at their usual Places of Abode, and the Assignment of the Rates and Assessments for all or any Sum or Sums of Money so borrowed, shall be entered in a Book or Books to be kept by the said Commissioners, or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times by any Person or Persons interested, without Fee or Reward.

Notice of borrowing, and Entry of Assignments.

XIX. And be it declared, That the said Commissioners shall not be held or adjudged to have rendered themselves personally liable for the Repayment of the Money borrowed by virtue of or for the Purposes of this Act, or Interest thereof, by reason of having signed any such Assignments as aforesaid, nor shall any Commissioner be held or adjudged to have rendered himself personally liable for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Commissioner under this Act.

Commissioners not personally liable.

XX. And be it enacted, That the Sums of Money arising and to be levied by virtue of this Act, shall not be laid out or expended without the Order of the said Commissioners at a General Meeting assembled, or of such Person or Persons as they, or a Quorum of them as aforesaid, shall authorize and appoint.

No Money to be paid without the Order of the Commissioners.

XXI. And be it enacted, That for the better carrying the Purposes of this Act into execution the said Commissioners shall be, and they are hereby authorized and empowered to divide the said City into such Number of Wards and Districts as to them shall appear proper and expedient, and to appoint any Two or more of their Number to have the particular Charge and Superintendance of each Ward and District: Provided always, that it shall be lawful to and in the Power of the said Commissioners, to alter, vary, enlarge and diminish the said Wards and Districts or any of them, in such Manner as the State of the Population thereof or other Circumstances shall from Time to Time appear to require.

City and Suburbs may be divided into Wards.

XXII. And be it enacted, That at the first or any subsequent Meeting to be held under the Authority of this Act, the said Commissioners shall give the necessary Directions in regard to paving, repairing and cleansing the

Directions to be given as to paving, lighting, &c.

the Pavement of the several Streets and Places within the said City, and shall employ proper Persons to oversee and carry the same into effect, and shall also direct and appoint Lamp Irons and Lamps to be provided and to be erected in such Places and in such Situations as they shall deem expedient, and give such Directions in regard to the lighting of the said Lamps, and otherwise, as from Time to Time shall appear proper, and shall make all such Regulations and Orders in Writing, in relation to the Premises as the nature of each particular Service shall appear to them to require.

Foot Pavements to be made on Sides of Streets.

XXIII. And be it enacted, That the Owners and Proprietors of all Houses and Buildings, or of Gardens or Grounds adjoining to and fronting any Street, Square or Public Place already formed or to be formed within the said City, shall at his, her or their Expence, cause the Ground, before their Property respectively on the Sides of such Street, Square or other public Place, to be well and sufficiently paved with flat, hewn or other Stones, of such Breadth, and in such Manner and Form as the said Commissioners (after visiting the Ground and hearing the Parties) shall direct and appoint; the Foot Pavements in the same Street, Square or Place being of one Breadth and not exceeding Ten Feet wide: Provided always, that it shall be in the option of the Owners or Proprietors of such Gardens or Ground within the said City and Suburbs on which no Buildings stand, either to make Foot Pavements in Manner aforesaid, or to pave opposite to such Gardens or Grounds with dressed Whin Stones, until the same shall be built upon; and that such Parts of Foot-paths as are opposite to Wynds, Lanes and Cart or Carriage Entries, may also if the said Commissioners think proper, be paved with Whin Stones.

At the Expence of the Owners of Buildings and Grounds.

XXIV. And be it enacted, That in case any such Owner or Proprietor shall refuse or neglect to cause such Grounds to be paved in Manner aforesaid, within such Time as he or she shall be required so to do, by an Order made by the said Commissioners, after having visited and inspected the Grounds and heard the Party concerned, it shall and may be lawful to the said Commissioners to cause the same to be done at the Expence of such Owner or Proprietor; and in case any such Owner or Proprietor shall refuse or neglect, when required, to pay the Expence of making the said Foot Pavements, it shall and may be lawful to any Two Magistrates of the City, upon Complaint being made to them, to decern such Expences, together with the Costs of recovering the same, to be paid by such Owner or Proprietor, either to the Tradesman doing the Work or to any Person authorized to receive the same: Provided always, that in every Case, where such Owner or Proprietor shall be unable to pay the Expences of making such Foot Pavement in one Sum, the said Commissioners may receive the same by such Instalments, and at such Periods as to them shall seem proper.

And to be maintained at their Expence,

XXV. And be it enacted, That it shall and may be lawful for any Two Magistrates of the said City, after the said Foot Pavements are made, by virtue of this Act, to ordain them to be kept in proper Repair by the Owners or Proprietors of Houses, Buildings, Gardens and Grounds as aforesaid, and upon Complaint being made to them, to give Decrees for the Charges and Expences of repairing, relaying and maintaining the same

same against such Owners or Proprietors, in the same Manner and with such Costs as they are hereinbefore empowered to give Decree in regard to the Expences of making the said Foot Pavements: Provided always, that in the event of the said Owners or Proprietors not residing within the said City, Notice of such Complaints, or of the Orders or Decrees of the said Magistrates being served on the Occupiers or Tenants, shall be held as valid and effectual as if the same were served on the Owners or Proprietors personally.

in case of the
Absence of
Owners and
Proprietors.

XXVI. And be it enacted, That when 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 Premises to be paved, and the Pavements to be kept in Repair in Manner aforesaid, the Expence being defrayed by such Proprietors 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 rated on the Rent Roll hereinbefore mentioned; and in case any Dispute or Difference shall arise among the several Proprietors of the same House or Building, relative to their Proportions of the said Expence, it shall and may be lawful for any Two Magistrates of the said City to fix and ascertain the same according to the Rate of such Rents in the said Roll, and to give Decree for the same accordingly.

When Houses
or Buildings
belong to
more Pro-
prietors than
One, Expence
to be defray-
ed propor-
tionably.

XXVII. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings belonging to such Owners and Proprietors, 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 payable by them respectively, in default of the Proprietors paying the same, 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 or disburse on account thereof, for their respective Owners or Proprietors, who are hereby required to allow such Payments accordingly, in part Payment of Rent, any Lease or Contract to the contrary notwithstanding.

Expence
when paid
by Tenants
to be deduct-
ed from their
Rents.

XXVIII. And be it enacted, That from and after the passing of this Act, every Person or Persons who shall occupy the Shops, or (where there are no Shops) the Ground Story of the Front of any Dwelling-house or other Building, adjoining to and fronting the Foot Pavements in the said City, shall cause the same along the Front of his, her or their respective Shops, Dwelling-houses or other Buildings, to be swept, scraped and cleaned once every Day, *Sundays* excepted, between the Hours of Six and Ten in the Morning, and if they shall fail so to do, it shall and may be lawful for any Two Magistrates of the said City, to order and decree, in a summary Manner, such Occupier or Occupiers, to pay a Sum not exceeding Five Shillings Sterling for each Offence, to be levied and applied in Manner hereinafter directed; and in case any Dispute shall arise amongst the Occupiers of Shops, Dwelling-houses or Buildings adjoining to the said Foot Pavements, as to cleansing, sweeping and scraping the same, it shall and may be lawful for the said Magistrates to determine such Dispute, which Determination shall be final; and when the Occupiers of Shops, or of Ground Floors, or Stories of Dwelling-houses, shall sweep and scrape, and clean the Foot Pavements in Manner

Foot Pave-
ments to be
swept and
cleaned.

[*Loc. & Per.*]

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aforesaid,

aforsaid, they shall have Relief against the Inhabitants of the Upper Floors or Stories, for a Proportion of the Expence, 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 decreed for by the said Magistrates.

Penalties on
Persons ob-
structing the
Foot Pavements.

XXIX. And be it further enacted, That if any Person or Persons shall run, carry, draw or drive, or cause to be run, carried, drawn or driven on any Part of the Foot Pavements within the said City, any Bier, Sledge or Wheelbarrow, Wheel or Wheels, or any Coach, Sedan Chair, Waggon, Cart or Carriage whatever, (except directly across the same on necessary Occasions) or shall wilfully lead, ride or drive any Horse or Mule, or other Beast or Cattle (except when going 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, (except in Time of Frost) or shall roll any Barrels, Hogsheads or Casks, empty or full, along the said Foot Pavements, for any Distance whatever, (except across, directly to or from Shops, Cellars or Warehouses) or shall roll any such Barrels, Hogsheads or Cask, along any of the public Streets, Squares and Places of the said City, 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 Twenty Yards in any Case) then it shall and may be lawful for any Person or Persons who shall see any such Offence committed, to seize, and for any Person or Persons to assist in seizing, such Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver him, her or them to a Peace Officer, in order to be taken before the Magistrates of the said City; and it shall and may be lawful to and for any Two of such Magistrates, upon Information being made to them by any Person or Persons, to issue their Warrant, or order to bring before them the Party or Parties so accused; and if he, she or they shall be convicted of any such Offence, either by his, her or their own Confession, or the Oath or Oaths of One or more credible Witness or Witnesses, the Offender or Offenders shall forfeit and pay any Sum not exceeding Five Shillings Sterling for every such Offence; and in case any such Offender or Offenders shall not, upon such Conviction, immediately pay such Penalty, the said Magistrates are 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.

Outside
Stairs, &c.
to be remov-
ed.

XXX. And be it enacted, That it shall and may be lawful to the said Commissioners, and they are hereby empowered, upon Application or Complaint being made to them, (after inspecting the Premises and hearing the Parties concerned) to order by a Writing under their Hands, the Proprietors of Houses and other Buildings fronting any of the Streets of the said City, to remove, or cause to be removed and taken away, within a reasonable Time, all Outstairs, Outshots, Buildings, Erections, Sign Posts and other Things whatsoever, which project or tend to obstruct the free Passage of the said Streets and Foot Pavements, or which project or extend

extend beyond the proper Line of Breadth; and if within the Time specified in such Order, the said Outstairs, Outshots, Buildings, Erections, Sign Posts and other Things be not taken away, the Owner or Owners of the House or Building to which the said Obstructions are annexed and belong, shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after such Order, during which the said Outstairs, Outshots, Buildings, Erections, Sign Posts or other Things shall remain, the said Fines to be levied and applied in Manner hereinafter directed: Provided always, that in case the aforesaid Outstairs, Outshots, Buildings, Erections, Sign Posts or other Things shall not be removed within Three Calendar Months after the Order appointing them to be removed shall have been intimated to such Proprietors, then it shall be lawful to the said Commissioners, and they are hereby empowered to order the same to be removed, *brevi manu*, and that when the same shall be removed under the Authority of this Act, for the Purpose of public Convenience and Accommodation, the Expence and Damage attending the same shall be defrayed from the Funds arising under this Act.

XXXI. Provided always, and be it enacted, That where the Houses and Buildings erected on the Sides of the said Foot Pavements cannot have convenient Access and Entries by any other Passage than by Outstairs, the said Commissioners shall order such Outstairs to be altered and narrowed in such Manner as to leave a free Passage not less than One-third of the Breadth of the Foot Pavement opposite to the said Outstairs. Proviso as to the same.

XXXII. And be it enacted, That in case any Hole or Opening shall be made in any of the Streets, Squares, Passages, Lanes or public Places in the said City, in digging Wells or Drains, or for other Purposes, or when any Houses or Tenements fronting the same, shall be taken down or unroofed, in order to be rebuilt or repaired, whereby Risque shall arise of Stones, Slates, Timber or other Materials falling upon the Foot Pavements, the Person or Persons making or causing the said Holes or Openings to be made, and the Person or Persons employed and concerned therein, shall, at his, her or their Expence, cause a sufficient Rail or Fence of Ropes or other Materials to be put round the said Holes or Openings, and shall cause a Lamp or Light to be affixed at or near the same, to be kept burning every Night the Holes or Openings shall remain unfilled up from Sun-setting to Sun-rising; and in case any of the said Persons shall refuse or neglect to affix and keep a Lamp or Light in Manner aforesaid, it shall and may be lawful for any Two Magistrates of the said City to order and decree such Person or Persons to pay any Sum not exceeding Five Shillings Sterling, daily, so long as he, she or they shall fail so to do, while such Opening shall remain unfilled up; and every Person or Persons rebuilding or repairing Houses or Tenements as aforesaid, shall, at his, her or their Expence, fence round, or cause to be fenced round, with a sufficient Rail or other Fence, the Parts of the said Foot Pavement opposite to the said Houses or Tenements rebuilding or repairing, or where other Works are carrying on, and shall uphold and keep in proper Repair and Condition, the Rails or other Fences during the whole Time the said Works shall be going on, to prevent Passengers from walking along those Parts of the Foot Pavements Obstructions to be removed.

Pavements, and it shall be lawful to and in the Power of any Two Magistrates of the said City to fine the Person or Persons neglecting or refusing so to fence round the said Foot Pavements in a Sum not exceeding Five Shillings Sterling for each Day's Failure; and also to order the said Foot Pavements and Openings so to be fenced in at the Expence of such Person or Persons; the said Fines to be levied and applied in Manner hereinafter directed.

No Goods,
&c. to be
exposed to
Sale on the
streets, &c.

XXXIII. And be it enacted, That if any Person or Persons shall place or bring out on any Street or Foot Pavement, either on Stalls or otherwise, within the said City and Suburbs, any Goods, Commodities, Provisions or Things whatsoever, and shall expose the same for Sale or Show in such Streets or Foot Pavements, or on the Walls of Houses, every Person so offending, and being thereof convicted before any Two Magistrates of the said City, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Shillings Sterling, and if the said Penalty shall not be immediately paid, and the said Articles removed, it shall and may be lawful for the said Magistrates to cause the Goods, Commodities and other Things to be removed, taken away and deposited in such Place or Places as they shall direct, there to remain until the Offender or Offenders shall have paid the Penalty, with the Charges and Expences attending such Removal: Provided always, that nothing herein contained shall extend, or be construed to extend to prevent Persons from exposing and setting out any Goods and Provisions in the Streets, Lanes and other Places, for Show and Sale, on the public Fair Days or Market Days, held in the said City, in the same Manner and under the same Restrictions and Limitations as were practised before the passing of this Act; but this Proviso shall not extend or be construed to extend to the Foot Pavements made or to be made on the Sides of the Streets, Squares, Lanes and Passages in the said City, upon which no Articles whatever shall be exposed, sold or disposed of, even on Fair Days or Market Days.

For prevent-
ing Nui-
sances.

XXXIV. And be it enacted, That the said Commissioners, with the Concurrence of the Magistrates of the said City, shall have full Power and Authority, from Time to Time, to make Rules, Regulations and Bye Laws consistent with this Act and the Laws of *Scotland*, for the better Execution of this Act, for removing Obstructions and preventing Nuisances of any Kind on the Foot Pavements, Streets and other Places within the said City, and in general for all other Purposes connected with the Preservation of Peace and good Order, and the general Safety and Comfort of the Inhabitants, and from Time to Time, as Occasion may require, to repeal, add to, amend and alter such Regulations, or any of them, and to enforce the same by such pecuniary Penalties as they shall think proper, not exceeding in any Case the Sum of Five Shillings Sterling for each Offence, to be levied and recovered in Manner hereinafter directed; provided always, that none of the said Regulations shall become valid, or take Effect, until they shall have been registered in the Books of the said Commissioners and Magistrates, printed and circulated, and put upon the principal Doors of the Parish Churches of the said City.

Gunpowder
where to be
kept.

XXXV. And be it enacted, That no Shopkeeper or other Person or Persons shall keep at the same Time in any Shop, Cellar or Warehouse or other
Apartment

Apartment within the said City, more than Six Pounds Weight of Gun Powder, but shall carry or cause to be carried, all the Gunpowder belonging to him, her or them exceeding that Quantity to such Magazine or Place as may be hereafter provided and appointed by the Magistrates of the said City, unless such Person shall have a Cellar, Magazine or other Place for depositing the same, which shall be approved of by the said Magistrates, and every Person or Persons so offending, neglecting or failing, shall, for every Offence forfeit and pay any Sum not exceeding Five Pounds Sterling to be levied in Manner hereinafter directed, besides forfeiting all the Gunpowder which shall be in his, her or their Houses, Shops, Cellars, Warehouses or other Apartments exceeding the aforesaid Quantity.

XXXVI. And be it enacted, That the Gunpowder allowed to be kept in Shops, Cellars, Warehouses or other Apartments as aforesaid, shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound Sterling for each Offence, to be paid by the Occupier of the House, Shop, Cellar, Warehouse or other Apartment in which the same shall be kept, to be levied in Manner hereinafter directed; and it shall not be lawful for the said Shopkeeper or other Person or Persons to sell or dispose of any Quantity of Gunpowder by Candle-light or after Day-light, on any Account or for any Purpose whatever, under a Penalty not exceeding One Pound Sterling for each Offence, to be levied and applied in Manner hereinafter directed: Provided always, that it shall be lawful for the Commanding Officer of any of His Majesty's Troops quartered in the said City, to keep in any Place or Places situated therein, and appointed by the said Magistrates, any Quantity of Gunpowder he may think necessary for exercising the said Troops, or for other Military Purposes.

And how to be kept and sold.

Except for Military Purposes.

XXXVII. And be it enacted, That the Magistrates of the said City shall and may order and direct the Houses, Buildings, Shops and Warehouses within the said City respectively, to be numbered with Figures placed or painted on the Doors, or on such other conspicuous Part thereof as the Proprietors or Occupiers shall think proper, and may likewise order to be painted or otherwise inscribed, on a conspicuous Part of some House or Building at or near the End or Corner of each Street, Square, Lane, Passage or Place, the Name of such Street, Square, Lane, Passage or Place; and any Person or Persons who shall wilfully and maliciously injure, obliterate, or destroy any such Number, Figure, Name or Description, shall for every such Offence, forfeit and pay a Sum not exceeding Two Pounds Sterling, to be levied and applied in Manner hereinafter directed.

Houses to be numbered, &c.

XXXVIII. And be it enacted, That it shall and may be lawful to the Magistrates of the said City, and they are hereby authorized and empowered, to make such Rules, Regulations and Bye Laws as they may think fit, for licensing and regulating Hackney Coaches, Sedan Chairs, Carts, and Porters plying for Hire within the said City, for trying, judging and punishing the Misbehaviour of Coachmen, Chairmen, Carters and Porters, according to Law, for fixing and altering their Stands, and for ascertaining what Rates and Fares as to Distance and Time they shall be allowed to

For licensing Hackney Coaches, &c.

[Loc. & Per.]

8 D

take,

take, and to what Distance and under what Penalties they shall drive, come into and through the said City; and from Time to Time to repeal alter or amend the Rules, Regulations and Bye Laws so to be made by them: Provided always, that such Rules, Regulations and Bye Laws, and the Fines and Penalties for the Breach or Non-performance thereof, as the same shall from Time to Time be made, altered or varied, shall not be repugnant to the Law of *Scotland*, or to the Provisions in this Act contained, and the same shall be put up either in Print or Writing, on such Place or Places as the said Magistrates respectively shall think proper, and at all Times remain and be in the said Place or Places.

How Water
is to be car-
ried from the
Roofs of
Houses, &c.

XXXIX. And be it enacted, That the Water from the Roofs of all Houses and other Buildings within the said City, fronting the public Streets and Squares, and the Lanes and Wynds which are Thorough-fares, shall be conveyed in Lead or other Pipes, reaching within Twelve Inches of the Ground, and affixed to or on the Sides or Fronts of such Houses and Buildings; and in case the Owners or Proprietors of such Houses and Buildings shall not so convey the Water from the same, then it shall and may be lawful for any Two Magistrates of the said City, and they are hereby authorised and empowered, on inspecting the Premises, and hearing Parties concerned, to decern, in a summary Manner, such Owners and Proprietors to pay any Sum not exceeding Five Shillings Sterling for every such Offence; and if after Conviction of any such Offences, the Water from such Houses and other Buildings shall still be conveyed otherwise than in Pipes so affixed and reaching as aforesaid, for the Space of One Calendar Month, then the Owner or Proprietor of every such House and Building shall forfeit and pay the Sum of Ten Shillings Sterling, and so *toties quoties* for every Month after such first Conviction, during which the Water shall be conveyed otherwise than as aforesaid, such Fines to be levied and applied in Manner hereinafter directed; and the said Penalties shall be always paid by the Proprietors according to the Proportions of their respective Rents rated as aforesaid; and in case the said Persons shall neglect for Two Calendar Months to convey the Water from their said Houses or Buildings in Manner aforesaid, it shall be lawful to the said Magistrates to order the Work necessary for conveying the Water in Manner aforesaid, to be done at the Expence of the said Persons, and to give Decree against them for the said Expences, over and above the Penalties which they shall have incurred.

Where
Houses belong
to more Pro-
prietors than
One.

XL. And be it enacted, That when the Floors or Stories of any Houses or Buildings belong to more Proprietors than One, the several Proprietors of the same House or Building shall defray the Expence of making, affixing and keeping in Repair the said Pipes, in Proportion to the Rents of the respective Parts of such Houses or Buildings which belong to them respectively, as rated in the Rent-roll before mentioned; and in case any Dispute or Difference shall arise amongst the several Proprietors of the same House or Building, relative to the Proportions of the aforesaid Expence, it shall and may be lawful to and for any Two Magistrates of the said City, after inspecting the Premises and hearing the Parties concerned, by a Decree under their Hands, to determine the same, according to the Rate of such Rents in the said Roll, and to decern for that Expence in Manner aforesaid.

Pro-

XXI. Provided also and be it enacted, That where the Tenants or Occupiers of any House or other Building, shall, in Default of the Proprietors paying such Expence, have been at any Expence in conveying the Water as aforesaid, which they are hereby authorized and required to be, to the Amount of the yearly Rents payable by him, her or them respectively, he, she and they may and is and are hereby authorized and empowered to apply the Lead and Materials of any Pipe or Pipes formerly affixed to the said Houses, or the Produce thereof towards such Expences, and deduct the Remainder of the said Expences from the next Rent due to his, her or their Landlord or Landlords, who are hereby directed and required to allow the same, any Lease or Contract to the contrary notwithstanding; and in the Event of the said Proprietors not residing within the said City, Notice of the Complaint or of the Order of the Magistrates being served on the Occupiers or Tenants, shall be as valid and effectual as if served on the Owners or Proprietors personally.

Where done
by Tenants
or Occupiers.

XLII. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to contract with and employ Scavengers or other Persons to cleanse and sweep the Streets, Squares, Passages and other public Places within the said City (excepting the Foot Pavements which are to be swept and cleansed in Manner before directed), and also those Parts of the Foot Pavements which are paved with Whin Stones, and immediately to order all Soil, Dirt, Ashes and Filth to be removed therefrom, and to collect the same into Heaps, and afterwards to carry them to such Place or Places as the said Commissioners shall appoint, and to sell and dispose of such Soil, Dirt, Ashes and Filth, for Manure, to such Person or Persons as may be desirous to purchase the same, the Money thence arising being always applied towards the Purposes of this Act: Provided always, that the Expence of the said Scavengers or other Persons shall be defrayed from the Funds to be levied in Manner herein-before directed.

Powers to
employ Scavengers, &c.

XLIII. And be it enacted That all and every Person or Persons who shall lay or cause to be laid on any of the Streets or public Ways of the said City or Suburbs any Dung for the Purpose of carrying the same to adjacent Grounds, shall remove and take it away before One of the Clock of the Day on which it shall be so laid on the Streets or public Ways, from the First Day of *November* to the First Day of *April*; and before Eleven o'Clock of the Day from the First Day of *April* to the First Day of *November*; and if any Ashes or Dung of any Kind shall be allowed to remain upon any Part of the said Streets or public Ways after the said Time, it shall and may be lawful for any Two Magistrates of the said City to decern the Person or Persons so offending to pay any Sum not exceeding Five Shillings Sterling for each Offence, to be levied and applied as herein-after directed, over and above the Forfeiture of the Dung which shall be sold, and the Price applied in Manner aforesaid.

For removing
Dung, &c.

XLIV. And be it enacted, That the Persons employed in carrying or wheeling the said Dung to the Streets, shall be obliged to sweep, scrape, and cleanse the Foot Pavements and Streets over which the Dung shall have been carried or wheeled, immediately after they shall have finished that Work,

And the Foot
Pavements to
be cleansed
immediately
thereafter.

Work, under a Penalty not exceeding Five Shillings for each Offence, to be levied in Manner herein-after directed.

Penalty on
breaking
Lamps wil-
fully.

XLV. And be it enacted, That if any Person or Persons shall wilfully take away, break or throw down any Lamp or Lamps which now is, are or hereafter shall be set up within the Limits of the said City, or shall wilfully extinguish the Light or Lights within the same, or damage the Iron or Appurtenances thereof, it shall and may be lawful to 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 Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of a Peace Officer or Constable, in order to be secured and conveyed before the Magistrates of the said City, 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 his, her or their own Confession, or by the Oath or Oaths of One or more credible Witness or Witnesses before any Two of such Magistrates, such Offender or Offenders shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds Sterling, and moreover shall make Satisfaction for the Damages done; and in case such Offender or Offenders shall not immediately, upon Conviction, pay such Forfeiture, and make such Satisfaction, any Two of such Magistrates are hereby empowered to commit him, her or them to the Common Gaol of the said City, for a Space not exceeding Two Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she or they is or are committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Penalty on
breaking
Lamps acci-
dentally.

XLVI. And be it enacted, That in case any Person or Persons shall accidentally break, throw down or damage any of the said Lamps, or the Iron or Appurtenances thereof, it shall and may be lawful for any Two Magistrates of the said City, to give Decree against such Person or Persons for such Sum or Sums of Money, by way of Satisfaction for such Damage, as the said Magistrates may think reasonable, provided such 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 within Two Days after the same shall be demanded, to cause the same to be levied by Distress and Sale of his, her or their Goods, and the Surplus, if any, to be paid to such Person or Persons.

Duty of
Clerks, &c.

XLVII. And be it enacted, That the Duty of the Clerks, Servants and other Officers employed under the Authority of the said Commissioners, shall be to aid and assist in apprehending, detecting and bringing to Justice, Persons guilty of Street Robberies, Housebreaking, Assaults, Theft, Reset of Theft, Shoplifting, Picking of Pockets, Swindling or other Crimes, by causing the Parties accused 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, public and sturdy Beggars, and other idle and disorderly Persons who follow no lawful Employment or Occupation, in suppressing disorderly Public-houses and other Houses, frequented by Persons of the foregoing Description, in suppressing Mobs and Riots, in assisting to
extinguish

extinguish Fires, in putting the Laws into Execution, by which 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 driving them or Horses or Cattle furiously and improperly; or for leaving Wheel or Handbarrows or any other Vehicle in or upon which, Goods or Provisions are carried, upon the Streets or Pavements, or in the Clofes or Passages after Day-light; in seeing that the said Streets, Squares, Lanes, Passages and other Places are properly lighted and cleaned; in preserving Order in the public Markets of the said City, and in general, in aiding and assisting the Magistrates of the said City, in all Matters relative to regulating the Police and preserving good Order and Tranquillity in the said City, and to carrying the different Purposes of this Act into Execution.

XLVIII. And be it enacted, That if any Person or Persons shall at any Time obstruct or molest any Officer or other Person who shall be employed in the Execution of his or their Duty under this Act, every Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds Sterling; and if any Person or Persons shall assault or strike any such Officer or other Person employed, every such Person or Persons shall for every such Offence, upon being convicted thereof by his, her or their own Confession, or by the Oath or Oaths of One or more credible Witnesses or Witnesses, forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered in Manner hereafter directed.

Penalty on Persons obstructing them.

XLIX. And be it enacted, That the Proprietors of such Tenements or Houses fronting any of the said Streets, Lanes, Squares, or any other public Places within the said City, as may be erected, and of such Front Houses or Tenements as may be unroofed or rebuilt, subsequent to the passing of this Act, shall be, and they are hereby prohibited from thatching with Straw, Broom or Heath, the Roots of such Front Houses or Tenements.

No Houses to be thatched with Straw, &c.

L. And be it enacted, That if any Person within the said City shall hereafter knowingly permit or suffer any Idler, Rogue or Vagrant to lodge or take shelter in any House, Barn or Out-house belonging to him, her or them, and shall not apprehend and carry such Rogue, Idler or Vagrant before one of the Magistrates of the said City, or give Notice to some Constable or other Person so to do, every Person so offending, upon being lawfully convicted either by his or her own Confession, or by the Oath or Oaths of one or more credible Witnesses or Witnesses, before one or more of the said Magistrates, shall forfeit a Sum not exceeding Five Shillings nor less than Two Shillings and Sixpence Sterling, for each Offence, One-half thereof to be paid to the Informer, and the other half to be applied to the Purposes of this Act.

Penalty on Persons harbouring Rogues, &c.

LI. And be it enacted, That it shall and may be lawful to the Magistrates and Town Council of the said City, and they are hereby empowered and authorised, at any Time or Times, to make, ordain and establish such additional Rules, Orders and Regulations, (not repugnant to the Law of Scotland, or this Act) for the better regulating the Markets and Market Places already established or erected within the said City, and all

Power to regulate Markets, &c.

other public Market-Places which shall hereafter be erected within the said City; and for collecting the Dues in the said public Markets, and in other Places within the Limits of the said City, as they shall judge fit and expedient; and also from Time to Time to repeal, vary and alter such Rules, Orders and Regulations.

Fire Engines
to be pro-
cured.

LII. And be it enacted, That the said Commissioners shall have Power to procure for the Use of the said City, as many Fire Engines as the said Commissioners may judge necessary, the Expence of which, and of maintaining them in Repair, or replacing them when necessary, shall be paid out of the Funds to be raised by virtue of this Act.

Commission-
ers to keep
Accounts.

LIII. 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 all Monies levied or borrowed and paid, by virtue of this Act, and how the same have been applied, and the said Books shall be regularly settled and balanced yearly, on the first *Wednesday of September* preceding the annual Election of Commissioners; the first Balance to be struck on the First *Wednesday of September* in the Year of our Lord One thousand eight hundred and twelve; after which a State of the Receipts and Disbursements for the preceding Period or Year shall be made out and printed, on or before the Third *Wednesday of September* annually, after the Books are balanced, and a Copy thereof shall be delivered to each of the said Commissioners, and lodged in the Council Chamber of the said City, where it shall remain Six Weeks for the Inspection, without Fee or Reward, of all Persons contributing to the aforesaid Assessment.

Minutes to be
kept.

LIV. And be it enacted, That the said Commissioners shall keep or cause to be kept, a Book or Books, in which shall be ingrossed and written a Minute of all their Proceedings and Transactions, with an Account of the Appointments and Salaries and Emoluments of Surveyors, Clerks, Servants, Collectors, Treasurers and other Officers appointed by them, which Book or Books shall, at all reasonable Times, be open for the Inspection of every Person contributing to the aforesaid Rate or Assessment, who shall and may peruse the same, without Fee or Reward; and it shall be competent to the said Town Council to bring Actions against the said Commissioners, or to the Commissioners for the Time being, or a Majority of them to bring Actions against their Predecessors in Office, before any competent Court in *Scotland*, in case they shall embezzle, squander or misapply any of the Funds vested in them by virtue of this Act.

Actions may
be brought.

LV. And be it enacted, That it shall be competent to the said Commissioners for the Time being, or a Quorum of them, to bring Actions, and Execution shall pass at their Instance respectively, for Performance of the Obligations, and for levying and recovering the Penalties hereinbefore specified; and such Actions and Execution shall not abate by the Death or Removal of any such Commissioners.

In whose
Name Actions
are to be
brought.

Commission-
ers and Cre-
ditors may
act as Magis-
trates and
Justices.

LVI. And be it enacted, That the Provost and Magistrates of the said City of *Pertb* for the Time being, or any of the Commissioners under this Act, who may be in the Commission of the Peace for the County of *Pertb*, or may be Creditors upon the Rate and Assessment by this Act granted, shall and may act as such Provost and Magistrates, or as Justices
of

of the Peace, for the more effectually putting in Execution the several Authorities and Powers in this Act mentioned and contained, notwithstanding of such Provost, Magistrates or Justices of the Peace, being Commissioners as aforesaid, or Creditors upon any of the Rates and Duties as aforesaid.

LXVII. And be it enacted, That in all Cases where any Dispute, Suit or Litigation shall arise touching, concerning, or in anywise relating to the Rate and Assessment aforesaid by this Act granted, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Commissioners, shall not by reason thereof be disqualified from giving Evidence in such Dispute, Suit or Litigation.

Collectors and Officers may give Evidence.

LXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, if not otherwise directed to be levied by this Act, shall be levied by Distress and Sale of the Defaulters' or Offenders' Goods and Effects, by Warrant under the Hands of any Two or more Magistrates of the said City of *Perth*, and the Persons distraining for the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money, if any there be, upon Demand, to the Owners of such Goods and Effects, after such Penalties and Forfeitures, and the reasonable Charges of keeping, selling and distraining the same, shall be deducted and paid, and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Commissioners, and shall be laid out and applied for the Purposes directed by this Act, or such of them as to the said Commissioners shall appear expedient, and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Two or more Magistrates of the said City of *Perth*, and they are hereby authorized and required, by Warrant under their Hands, to cause the Defaulter or Defaulters, Offender or Offenders, to be committed to the House of Correction or Common Gaol of the said City, there to remain for any Time not exceeding Three Calendar Months, unless the Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

General Clause for Recovery of Rates and Duties, Penalties and Forfeitures.

LIX. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, to mitigate and lessen any of the Penalties or Forfeitures incurred under this Act, to any Sum not less than One-third of the said Penalties or Forfeitures, besides the Expence and Charges of suing for the same.

Power to mitigate Penalties.

LX. And be it enacted, That when it is necessary to bring Actions for recovering any of the Forfeitures and Penalties imposed by virtue of this Act, Actions for Recovery thereof shall be commenced within the Space of Three Calendar Months from the Time the Facts by which they are incurred shall have been committed, and if not commenced within the aforesaid Space, the Person or Persons who shall have so offended shall not be liable to be prosecuted thereafter.

Actions to be commenced within Three Months.

LXI. 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 Calendar Months from the Time the Fact is discovered or known, and the Defender or Defenders

No Action to be commenced against Commissioners after Three Months.

Defenders in such Action 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 Defender or Defenders shall be assolzied from such Action or Procefs, and the Pursuer or Pursuers in such Action shall be found liable to pay to the said Defender or Defenders the whole Expences of Procefs incurred by him or them.

Power of
Appeal.

LXII. And be it enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Order or Proceedings of the said Commissioners, or of any Magistrate or Magistrates of the said City, or by any Bye-Law, Rule or Regulation to be made in pursuance of this Act, it shall and may be lawful for him, her or them (except in the Cases which are already otherwise provided for) to appeal to the Justices of the Peace of the County, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Determination thereon shall be final and conclusive, and the Proceedings of the said Justices on Appeal shall not be subject to Suspension or Advocation, or challengeable by Procefs of Reduction.

Jurisdiction of
the City of
Perth, &c.
saved.

LXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to take away, alter, abridge, lessen, change or intrude upon any Jurisdiction, Power and Authority of the Provost, Magistrates and Council of the City of *Perth*, and Community thereof, or Jurisdiction of the Dean of Guild of the said City and his Court, nor to take away, abridge, lessen, or intrude upon the legal Rights, Privileges and Property of the said Provost, Magistrates, and Council of the City of *Perth* and Community thereof, or of the said Dean of Guild and his Court, or of any Person or Persons whatsoever, but that the same shall remain as entire and effectual to all Intents and Purposes, as if this present Act had not been made.

Expences of
passing the
Act to be
advanced by
the City.

LXIV. And be it enacted, That the Charges and Expences of passing this Act, shall in the first instance be advanced by the Provost, Magistrates and Town Council, out of the Funds of the Community of the said City, and shall be repaid to them with Interest, from the respective Periods of advancing the same, out of the Monies arising from the Rate and Assessment aforesaid, under the Authority of this Act.

Justices, &c.
to assist in
putting the
Act in execu-
tion.

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

Publick Act.

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