



ANNO QUINQUAGESIMO PRIMO

# GEORGII III. REGIS.



## *Cap. 61.*

An Act for paving, lighting, cleansing, widening, and otherways improving the Streets of the Burgh of *Dunfermline*, increasing the Supply of Water, extending the Royalty of the said Burgh, and for other Purposes therein mentioned relative thereto.

[14th May 1811.]

**W**HEREAS the Population of the Burgh of *Dunfermline*, in the County of *Fife*, from the extensive Trade and Manufactures carried on therein, hath of late Years greatly increased, and it is expedient that the Police thereof should be regulated, and Powers granted for paving, lighting and cleansing the Streets, for removing Nuisances and Obstructions therefrom, and for opening new, and widening the present Streets; and likewise for increasing the Supply of Water for the Use of the said Burgh: And whereas, for the more effectually carrying these Improvements into Execution, it will be necessary to extend the Royalty of the said Burgh, and the Powers, Authorities and Jurisdictions of the Magistrates and Town Council thereof, over certain Grounds and Tenements adjacent to the said Burgh: 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 Provost, Two Bailies, Dean of Guild,

[*Loc. & Per.*]

14 M

and,



Names of  
Commission-  
ers.

and Treasurer of the said Burgh of *Dunfermline*, and the Deacon Convener of the Trades thereof, and Three of the Deacons of the Incorporations, taken in Rotation as they stand in the Election Roll, and the Town Clerk and Chamberlain of the said Burgh, all for the Time being, shall be Commissioners or Trustees, constituting a Court of Police, and they are hereby appointed Commissioners or Trustees accordingly, for executing the Purposes of this Act; and that, in Conjunction with them, *David Betson* of *Meikle Beath*, *James Blackwood* of *Viewfield*, *John Couston* at *Keirs Beath*, *James Moodie* late Provost of *Dunfermline*, *John Kilgoure* Brewer there, *William Peebles* Merchant there, *Henry Bardner* of *West Saline* Writer there, *John Stenhouse* of *Headwell* Brewer there, *James Russell* Writer there, *John Sutherland* of *Fod Bank* Manufacturer there, *James Douglas* Writer there, *George Spence* Manufacturer there, Doctor *James Davidson* Physician there, *Henry Scotland* of *Briery Hill*, Doctor *James Stenhouse* of *Comely Park* Physician in *Dunfermline*, *John Kerr* Merchant there, *John Wilson* of *Transy*, late Provost of *Dunfermline*, *John Scotland* of *East Luscar*, *Mathew Parker* Merchant in *Dunfermline*, *Charles Hunt* Agent for the Bank of *Scotland* there, *Andrew Turnbull* Merchant there, and *John Reid* Merchant there, and Six Members of the Fraternity of the Guildry in the said Burgh, to be elected in Manner hereafter directed, shall also be, and are hereby appointed Commissioners or Trustees as aforesaid, until others shall be chosen in their Stead as herein-after mentioned.

Seven Com-  
missioners a  
Quorum.

II. And be it enacted, That any Seven of the said Commissioners (Six of whom to be resident within the said Burgh or Extended Royalty) shall in all Cases be a Quorum; and the Provost of the said Burgh for the Time being, or in his Absence the Dean of *Guild*, and in the Absence of both, the next Senior Magistrate present shall be Preses of any Meeting of the said Commissioners, and such Preses shall, in case of an Equality of Voices in any Matter or Question which shall come before the said Commissioners, have both a deliberative and a casting Vote.

Superinten-  
dant of Police,  
&c.

III. And be it enacted, That it shall be lawful to the said Commis- sioners, and they are hereby authorized and required to appoint, during Pleasure, a Master or Superintendant of Police, a Superintendant of Fire Engines, and such Number of Officers of Police, Fire Men, and other Assistant Officers, as may seem to them necessary, who shall be bound to act under the Authority and Orders of the said Commissioners, or their Quorum, in executing the Matters hereby committed to them, and in regulating the Police, and preserving Peace and good Order within the said Burgh and Extended Royalty.

Their Powers.

IV. And be it further enacted, That the said Commissioners shall be and are hereby authorized and empowered to appoint the said Superintendant 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 Purposes of this Act, with all the Powers and Privileges belonging to Constables by Law.

Duties of the  
Superintend-  
ant and Offi-  
cers of Police.

V. And be it enacted, That the Duty of the said Superintendant of Police, and other Officers aforesaid, (who shall be subordinate to  
and



and under his immediate Directions) shall be and they are hereby authorized and required to aid and assist the Magistrates of the said Burgh in apprehending, detecting, and bringing to Justice, Persons guilty of Street Robberies, House Breakings, Assaults, Thefts, 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 in Execution against Vagabonds, Vagrants, idle and disorderly Persons, and Public and Sturdy Beggars, and other Persons who follow no lawful Calling or Employment, in suppressing disorderly Public Houses; and other Houses used and frequented by Persons of the above Descriptions; in suppressing Mobs and Riots, in assisting to extinguish Fires, in putting the Laws in 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 Carriages in the Streets, Lanes, or Passages; and in keeping good Order in the Public Markets of the said Burgh, and the Persons resorting to, and dealing therein; and in general, in aiding, assisting, and obeying the Orders and Directions of the said Magistrates in all Matters relative to the Regulations of the Police, and preserving the Peace and good Order of the said Burgh and Extended Royalty, and in executing the different Purposes of this Act.

VI. And be it enacted, That it shall and may be lawful to the said Commissioners to appoint suitable Salaries or Allowances to be paid to the said Superintendant of Police, Superintendant of Fire Engines, Firemen, 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 authorized to assign Salaries to Officers.

VII. And be it enacted, That it shall and may be lawful to the said Commissioners to causeway, or cause to be causewayed and kept in Repair, the Streets, Lanes, Passages, Closes, and other public Places of the said Burgh and Extended Royalty; and also to raise the present Pavements or Causeways, and to lower and level the said Streets, Lanes, and Passages, in such Manner as to them may appear necessary and expedient, for the Improvement of the said Streets, Lanes, and Passages, and the Convenience of the Inhabitants; and to remove Incumbrances and Obstructions therefrom, and to do every Thing for the Improvement of the said Streets, Lanes, Passages, and Closes of the said Burgh and Extended Royalty.

Commissioners to cause the Streets to be causewayed and repaired.

VIII. And be it enacted, That Foot Pavements of good and sufficient hewn or causeway Stones shall be made in such Manner and Form as the said Commissioners shall direct, and kept in Repair by the Proprietors of Houses along the Fronts of the same respectively, where the Breadth of the Streets will admit of it, and of which the said Commissioners shall be the Judges; and where the Proprietors fail so to do, within the Time appointed by the Commissioners, which shall be limited to Three Months, the Renters or Occupiers of the Ground Stories or Floors of the said Houses, are hereby authorized to do so, previously intimating to the said Commissioners the Neglect or Failure of the Proprietors; and the said

Foot Pavements how to be made and kept in Repair.



Commissioners are to give their Sanction to the said Renters or Occupiers to proceed immediately in making the said Foot Pavements, deducting the Expence incurred from the first Proportion of Rents coming due to the said Proprietors.

Commissioners to cause the Streets to be cleaned, &c.

IX. And be it enacted, That the said Commissioners shall have full Power to order the Streets, Lanes, Passages, and Clofes of the said Burgh and Extended Royalty to be swept and cleaned, (excepting the Foot Pavements, which are to be swept and cleaned in Manner after directed), and to contract with and employ Scavengers for that Purpose, and to sell or dispose of the Dung, Soil, Dirt, Ashes, and Filth of and upon the said Streets, Lanes, Passages, and Clofes, and other public Places of the said Burgh and Extended Royalty, by public or private Sale, or to let the same in Tack or Lease for One or more Years, as they may think proper, the Money arising from such Sale or Lease being always applied to the general Purposes of this Act.

Filth to be removed from the Streets, and Penalty in case of Delay or Failure.

X. And be it enacted, That all and every Person or Persons who shall lay or cause to be laid any Soil, Dirt, Ashes, or Dung, on any Part of the Streets of the said Burgh or Extended Royalty, for the Purpose of transporting the same to adjacent Grounds or other Ways out of or from the said Streets, shall remove and take away the same before Sun-setting of the Day on which it is laid down; and if any Ashes or Dung of any Kind (except in Time of Frost or Snow) shall be allowed to remain upon any Part of the said Streets, Lanes, Passages, or Clofes, after the Time above specified, it shall and may be lawful for the Magistrates, or any One of them, to decern the Person or Persons so offending to pay any Sum not exceeding Ten Shillings for each Offence, besides removing at his, her, or their Expence, the said Ashes, Dung, or other Articles.

Foot Pavements how to be cleaned.

XI. And be it enacted, That every Person or Persons, who shall possess the Shops, or where there are no Shops, shall inhabit the Ground Floors of any Dwelling House, or other Building adjoining to or fronting the Foot Pavements within the said Burgh or Extended Royalty, shall cause the same, along the Front of his, her, or their Property, whether Shops, Dwelling Houses, or other Buildings, to be swept, scraped and cleaned, every lawful Day before Ten of the Clock in the Morning; and if they fail so to do, it shall be lawful for the Magistrates, or any One of them, to decern in a summary Manner such Proprietor or Possessor to pay a Sum not exceeding Two Shillings and Sixpence for each Offence, besides fining the Offender in the Expence of such cleansing.

Pipes to be erected for conveying Water from the Roofs of Houses.

XII. And be it enacted, That the Water shall be conveyed from the Roofs of all Houses fronting the Streets, Lanes, and Passages in the said Burgh and Extended Royalty, which are Thoroughfares, in Leaden or other Pipes, reaching within Twelve Inches of the Ground; and in case the Proprietors of Houses shall fail to comply herewith, within Three Months after being required so to do, the said Commissioners, on inspecting the Premises and hearing the Parties, shall decern in a summary Manner in a Fine not exceeding One Guinea, and are hereby authorized to order Pipes to be erected at the Expence of the Proprietors; and in the Event of Proprietors of Houses refusing or neglecting to fix the said Pipes, the  
Renters



Renters or Occupiers of Houses shall be authorized, in Manner hereinbefore directed with respect to Foot Pavements, so to do.

XIII. And be it enacted, That in case any Proprietor or Occupier of Houses shall refuse or neglect to cause the Foot Pavements and Water Pipes to be made and erected in Manner before required, within such Time as the said Commissioners may direct, it shall and may be lawful to the said Commissioners to cause the said Foot Pavements to be made, and Water Pipes to be erected, in Manner before directed, at the Charge and Expence of such Owner, Proprietor, or Occupier; and in case such Owner, Proprietor, or Occupier, shall refuse or neglect to pay the Expence thereby incurred, when required, it shall and may be lawful to the said Commissioners to decern such Expence, together with the Charges of recovering the same, to be paid by such Proprietors, Owners, or Occupiers, either to the Tradesmen, by whom the Work has been done, or to any other Person authorized by the Commissioners to receive the same.

Commissioners empowered to make Foot Pavements and erect Water Pipes in cases of Neglect by Proprietors.

XIV. And be it enacted, That it shall be lawful to the said Commissioners, after the Foot Pavements and Water Pipes shall have been completed by virtue of this Act, to ordain them to be kept in proper Repair; and in case of Neglect or Refusal, to give Decrees for the Expence of relaying, re-erecting, repairing, and maintaining the same, together with the Expence of Recovery, in the same Manner as they are hereinbefore empowered to decern for making the said Foot Pavements, and erecting the said Water Pipes.

Foot Pavement to be kept in Repair by Proprietors.

XV. And be it enacted, That it shall and may be lawful to the said Commissioners to direct and cause the several public Streets, Lanes, Passages and Clofes in the said ancient and Extended Royalty, to be lighted in such Manner as they shall think proper, and to contract with any Person or Persons for that Purpose; and also to cause the Lamps to be placed either on Posts or Standards to be erected on the Streets, or on Lamp Irons to be fixed on the Walls of Houses and other Buildings, and from Time to Time to alter and remove the same as they shall see fit, upon indemnifying the Proprietors or Occupiers for any Damage done thereby to the said Houses and other Buildings.

Commissioners to light the Streets, and to remove or alter Lamps, &c.

XVI. And be it enacted, That if any Person or Persons shall wilfully take away, injure, break or throw down any Lamp or Lamps, or shall wilfully extinguish the Light, or damage the Irons or Appurtenances thereof, it shall be lawful for any Person seeing such Offence committed, to give Information thereof, or to seize such Offender, and by the Authority of this Act, and without any other Warrant, to convey such Offender before any of the Magistrates of the said Burgh; and if the Party accused of such Offence shall be convicted thereof, either by his, her or their Confession, or by legal Evidence, the Person so convicted, shall for every such Offence forfeit a Sum not exceeding Forty Shillings Sterling; and such Offenders shall also make full Satisfaction to the Commissioners, or the Collectors appointed by them, for the Damage done.

Penalty for wilfully breaking or injuring Lamps, &c.

XVII. And be it further enacted, That in case any Person shall accidentally break, throw down, or injure any of the said Lamps, Posts, Irons, or Appurtenances thereof, and shall not immediately, on its being demanded,

Penalty for accidental breaking Lamps, &c.



manded, make Satisfaction for the Damage done, it shall be lawful for any of the said Magistrates, on Complaint and Conviction, on Confession, or legal Evidence thereof, to award such Sums of Money, by way of Satisfaction, as he shall think reasonable, provided the Sum awarded shall not exceed the real Damage sustained by such Accident, besides the Expence 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 Six Days after the same shall be demanded, it shall and may be lawful for the said Magistrate to cause the same to be levied by Distress and Sale of such Part of his, her, or their Property or Goods, as may be sufficient for that Purpose, and the Surplus to be paid to such Person or Persons.

Property of the Lamps, &c. vested in Commissioners.

XVIII. And be it enacted, That the sole Property of the Lamps, Lamp Posts, Irons, and Appurtenances, and all other Matters and Things relative thereto, which shall be erected by virtue of this Act, shall be and are hereby vested in the said Commissioners, and their Successors in Office, to be appointed and elected in Manner after mentioned.

Commissioners empowered to open new Streets, &c.

XIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized, when the same shall be deemed expedient or necessary for the further Improvement of the said Burgh, and the better Accommodation of the Inhabitants, to open new Streets in the said Burgh or Extended Royalty, in such Situations as to them may appear best calculated for the said Purposes; and that the said Streets shall be of a Breadth to be fixed by the said Commissioners, but not exceeding Fifty Feet; and that the same shall be causewayed and paved in Manner directed as aforesaid, for the Streets, Lanes, Passages, and Closets of the said Burgh, and maintained and kept in Repair, in Manner also before directed; and that it shall be lawful to the said Commissioners, and they are hereby authorized and empowered to bargain and agree with the Proprietors, Life-Renters, and Persons entitled to the Houses, Lands, Tenements, Closets, Parts of Houses or Closets, in the said Burgh and Extended Royalty, which it may be necessary to purchase for opening the said Streets; and in case the said Commissioners shall not come to an Agreement with the said Proprietors, Application shall be made to the Sheriff of the County, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses, Closets or Parts of Closets, or other Property necessary to be taken down for the Purposes aforesaid; and the said Sheriff is hereby empowered and required, upon Application, to order Notice thereof to be given to the Proprietor or Proprietors, and Occupier or Occupiers of such Ground, and Houses, Closets, or other Property, and afterwards to issue a Summons in the usual Form, for calling together and impannelling 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 Value of the Damage sustained by the Proprietors of such Lands, Houses, Closets, Parts of Houses or Closets, or other Property; and after a Verdict is pronounced as aforesaid, the said Sheriff is hereby required to adjudge the 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 Monies raised by virtue of this Act of the Sum awarded to the Party or Parties interested, or Consignation thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner by this Act directed, as the Case may require,

Damages to be settled by a Jury.

The Sheriff to adjudge Payment.

Money awarded as Damages may be consigned.



require, the said Commissioners shall from thereafter have Right, and be at Liberty to take and use the Ground, and to take down the Houses and Clofes, or Parts of Houses and Clofes so valued, for the Purposes aforesaid; as fully and effectually to all Intents and Purposes, as if the Owner or Owners, and Occupier or Occupiers of such Ground, or Houses and Clofes, or Parts of Houses and Clofes, or other Property, had executed regular Dispositions of the same; and thereupon Infestment had followed; and the said Proceedings and Order of the said Sheriff shall be final, and not removeable 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.

XX. And be it enacted, That the said Sheriff 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, to be awarded by the said Jury, and to ordain the Owner or Proprietor of such Grounds, Houses, Clofes, or Parts of Houses or Clofes, or other Property, 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 to convert the same into Public Streets; and the Judgment or Decree pronounced by the said Sheriff upon the said Verdict or Verdicts, shall be binding and conclusive to all Intents and Purposes against such Proprietors, and the same or Extracts thereof 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 Parts of Houses, so decreed to be taken down, shall happen to be inhabited at the Time of pronouncing such Judgment, Six Calendar Months shall at least intervene between the Time of pronouncing such Judgment and the Term of *Whitsunday* then next ensuing, prior to the Day fixed on for taking down the same.

Sheriff to give Judgment on Verdict of a Jury, and such Judgment to be final.

Time allowed for taking down Houses, &c. decreed against.

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two Hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction

Application of Compensation where exceeding 200l.

and,



and Approbation of the said Court in the Purchase of other Lands, Tenements, or Heritages which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements or Heritages which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

When less  
than 200l. and  
exceeding 20l.

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for any of the respective Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable.

Application  
where the  
Money is less  
than 20 l.

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not  
making out  
Titles.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of Lands, Tenements, or Heritages, to be purchased by virtue of this Act. shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages,

b  
e



be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five 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, Tenements, or Heritages, [describing them], subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered in a summary Way of Proceeding, or 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 Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, 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.

XXV. 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, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court 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, Tenements, or Heritages, or to some Estate or Interest therein.

Where Questions arise touching the Title.

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

Expences in case of Disability.

[*Loc. & Per.*]

140

XXVII. And,



Judg. may  
stop Execu-  
tion.

XXVII. And be it enacted, That in case any Person interested shall apply for and obtain from any Judge competent, a Warrant for stopping the Execution of any of the Purposes aforesaid, by reason of any Damages to be incurred thereby, the said Judge is hereby directed and empowered to recall such Warrant, and remove any Sift obtained as aforesaid; provided sufficient Caution is found by the Commissioners therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner aforesaid.

Houses how  
to be built in  
new Streets.

XXVIII. And be it enacted, That Persons having Property on the Sides of any Street or Streets so to be opened or made within the said Burgh or Extended Royalty, may build Houses thereon for their own Benefit, upon Condition always that such House or Houses shall be built in the Line pointed out by the said Commissioners, for the Houses to be erected or built in the said Streets.

Commission-  
ers empower-  
ed to remove  
Out Stairs,  
&c.

XXIX. And be it enacted, That it shall and may be lawful to the said Commissioners, by an Order under their Hands, (after carefully inspecting the Premises and hearing Parties) to order the Proprietors of all Houses and other Buildings, fronting any of the Streets, Lanes, or Passages of the said Burgh and Extended Royalty, to remove, or cause to be removed, all Outstairs, Outshots, Sign Posts, Buildings, or Erections whatsoever, which tend to obstruct the free Passage in the said Streets and Foot Pavements, with Power to the said Commissioners to grant such Compensation in Money to the Proprietors of such Outstairs, Outshots, Buildings and Erections, as may appear to them reasonable, or if the said Proprietors shall not be satisfied with the said Commissioners Compensation to be ascertained by a Jury as herein mentioned; and in cases where the said Commissioners shall deem the said Proprietors to have a just and equitable Claim for such Compensation; and in cases where any Compensation shall be ascertained, the said Commissioners are authorized to grant an Order, signed by Three of their Number, including the Preses of the Meeting, when such Compensation shall have been awarded, to their Treasurer, who is hereby authorized to pay the same from the Monies in his Hands, collected for the Purposes of this Act; and if within the Time specified in any Order, for the Removal of such Outstairs, Outshots, Sign Posts, Buildings, or Erections, the same be not taken away, the Owner or Proprietors of such House or Buildings, to which the said Obstructions belong, shall forfeit and pay any Sum not exceeding Three Pounds, and One Pound for every Month after the Date of such Order, during which Time the said Obstructions shall remain; the said Fines to be recovered and applied in Manner herein after directed: Provided always, that in case the said Obstructions shall not be removed within Six Months after the Order for their Removal, then it shall be lawful to the said Commissioners to remove, or order the same to be removed, *Brevi Manu* and that when such Obstructions shall be removed under the Authority of this Act, for the Purpose of public Convenience and Accommodation, the Expence and Damage (if any) arising therefrom shall be paid from the Funds granted by this Act.

Penalty on  
failing to  
remove Out  
Stairs, &c.  
when ordered  
by Commis-  
sioners.

Damages  
may be sub-  
mitted to a  
Jury.

XXX. And be it further enacted, That if in removing Obstructions from the said Streets, Lanes, or Passages as aforesaid, it shall happen that any Part or Parts of inhabited or inhabitable Houses shall be ordered to be



taken down by the said Commissioners in Manner aforesaid, and the Proprietors or Owners of the said Houses shall not be satisfied with the Compensation awarded, or rather choose to submit their Claims of Compensation to a Jury, then and in that Case, and upon the Application of the said Proprietor or Proprietors, the said Commissioners are hereby required to apply to the Sheriff to summon a Jury in Manner before directed, who shall give a Verdict of Damages or Compensation as aforesaid, which Verdict shall be final.

XXXI. And be it enacted, That it shall be lawful to the said Commissioners to make, or cause to be made, Common Sewers or Drains and Watercourses within the said Burgh and Extended Royalty, for draining and carrying the Water from the said Streets, Lanes, and Passages now made, and that hereafter may be made therein, not only across the said Streets, Lanes, and Passages, but through the Grounds or Gardens belonging to Incorporations or Individuals; and to repair and cause to be repaired and kept in Repair, the said Common Sewers, Drains, or Watercourses, at all Times: Provided always, that when the said Common Sewers, Drains, or Watercourses shall be carried through any Grounds or Gardens as aforesaid, that the same shall be done in such Manner that the Houses and other Buildings erected on any Part of the said Gardens or Grounds shall not be damaged or prejudiced; and the said Common Sewers, Drains, and Watercourses shall be covered over in a sufficient and substantial Manner, and the Top of the said Covering shall be at least Twelve Inches below the Surface of the said Gardens or Grounds; and that all Damage done to the said Gardens or Grounds, and to the Fences, Trees, Bushes, and Plants or Crops growing thereon, by making, digging, covering, and repairing the said Common Sewers, Drains, or Watercourses, shall be paid by the said Commissioners; and in case of any Difference or Dispute, such Damages shall be ascertained by a Jury in Manner herein mentioned.

Commissioners empowered to make Common Sewers and Drains.

and to give Damages.

XXXII. And be it enacted, That in case any Hole or Opening shall be made on the Sides of the said Streets, Lanes, or Passages of the said Burgh or Extended Royalty, for the Purpose of digging Foundations for building Drains, or for any other Purpose, the Person or Persons making or causing to be made the said Holes or Openings, shall, at their own Expence, and if required by the said Commissioners, cause a sufficient Rail or Fence to be put up round the said Openings, and shall cause a Lamp or Light to be affixed at or near the same, during the Time such Openings remain unfilled up, from Sun-setting to Sun-rising; and in case any Person shall refuse or neglect to affix and keep burning a Lamp or Light in Manner aforesaid, it shall be lawful to the said Commissioners to decern the Person or Persons so offending to pay any Sum not exceeding Five Shillings Sterling for each Day such Opening shall remain unfilled up, beside any Damage that may be sustained by any Person through such Neglect, and also to ordain such Hole or Openings to be railed in and lighted at the Expence of the Person or Persons making or causing them to be made; and when any Stones, Lime, or other Materials used in building, or in repairing Buildings, shall be laid upon any of the Streets, Lanes, or Passages of the said Burgh or Extended Royalty, and which may be necessary during the Time such Buildings or Repairs are carrying on, every Person by whom any Part of the said Streets shall be so occupied, shall affix a Light to

Fences to be erected, and Lights affixed in the Night when Buildings or Repairs are carrying on.

Lights



Space to be settled by Commissioners of what Part of the Streets shall be taken up when Buildings or Repairs are carrying on.

Fines in Cases of Failure.

Magistrate and Town Council authorized to appoint Visitors of the Butcher Markets,

and to condemn unwholesome Meat on Visitor's Report, and award Fines.

Space in the Butcher Markets allotted to Country Butchers.

Lights on the outer Edge of the said Stones, Lime, or other Materials, in Manner before directed, and under the Penalties aforesaid: Provided always, that the Space to be occupied by the said Materials for building or Repairs of Buildings, shall be fixed and settled by the said Commissioners, and in no case shall it exceed One Half of the said Streets, Lanes, or Passages: Provided also, that during the Time any House or Tenement, fronting the said Streets, Lanes, or Passages, is unroofing, repairing, or taking down for the Purpose of rebuilding, or for any other Purpose, whereby Risk shall arise of Stones, Slates, Timber, or other Materials falling on the Foot Pavements or on the Sides of the said Streets, Lanes, or Passages, every Person carrying on or causing to be carried on such Works, shall at their own Expence fence round such Works with a sufficient Rail or other Fence the Parts of the Foot Pavements opposite to the House or Houses where such Operations are carrying on, so as to prevent Passengers from walking along those Parts of the said Foot Pavements; and in case the Persons so employed shall fail or neglect to make such Fence, then it shall be lawful to the said Commissioners to fine the Person or Persons so refusing or neglecting in a Sum not exceeding Five Shillings Sterling for each Day's Failure, to be levied and applied in Manner after directed, and also to order the said Pavements to be fenced at the Expence of the Parties carrying on the said Works.

XXXIII. And be it enacted, That it shall be lawful to the said Magistrates and Town Council to appoint Five Visitors of Butchers Meat annually in the Mode now practised by the said Magistrates and Town Council, of whom the Dean of Guild for the Time being shall be *ex officio* Convener; and that the said Visitors or Inspectors (of whom in all Cases Three shall be a Quorum), on Complaint being made by any of the Inhabitants of the said Burgh or Extended Royalty, that insufficient or unwholesome Meat is exposed to Sale in the said Market or Markets, shall be convened by Summons from the said Dean of Guild, or in his Absence by his immediate Predecessor in said Office, and in the Absence of both by any One of the Magistrates of the said Burgh; and the said Visitors shall carefully inspect and examine the Meat complained of, and if in their Judgment it shall be unfit for Exposure to Sale, then and in that Case the said Visitors shall report their Opinion in Writing, signed by their Preses or Convener, which Report shall be delivered to the said Magistrates, or any One of them, who are hereby authorized to condemn the said Meat; and further to award summarily a Fine not exceeding Forty Shillings Sterling (exclusive of the Expence incurred), on the Person or Persons exposing the said insufficient or unwholesome Meat, as the Circumstances of the Case may require; and all Fines so exacted shall, as in the Mode now in use, at the Discretion of the Magistrates, be applied for the Benefit of the Poor.

XXXIV. Provided also, and be it further enacted, That it shall and may be lawful to the said Magistrates to allot a certain Space or Portion of the Stalls in the said Market or Markets, to Country Butchers who may choose to bring slaughtered Meat for Sale into the said Burgh or Extended Royalty, the said Country Butchers being subject to the Rules, Orders and Regulations established for the said Markets, and paying such Dues and Customs as may be settled by the said Magistrates and Town Council.

XXXV. And



XXXV. And be it enacted, That it shall be lawful to the said Magistrates and Town Council, to make such Regulations and Orders from Time to Time as they may deem necessary and expedient, for the more effectually preventing Retailers or Hucksters from buying up, regrating, or forestalling Quantities of Butter, Cheese, Eggs, Fruit, Vegetables, Fish, and all other Articles of general Consumption usually exposed to Sale in the public Market Place of the said Burgh called the *Tyon*, or other Markets or Market Places that may hereafter be erected or built for the Purpose of retailing the same, to the Loss and Prejudice of the Inhabitants of the said Burgh and Extended Royalty, particularly on the Weekly Market Days, under such Fines and Penalties not exceeding Twenty Shillings as the said Magistrates shall award; which Regulations and Orders shall be affixed on the Market Cross, and in any other Place the said Magistrates shall think proper: Provided always, that after a certain Hour to be fixed by the said Magistrates, on the Mornings of the said Weekly Market Days, and at all Times for Fish brought to the said Market Place, Retailers or Hucksters shall be, and they are hereby at liberty to make Purchases of Articles remaining in the said Market Place, and to any Extent.

Magistrates to make Regulations relative to Retailers, &c.

XXXVI. And be it enacted, That the Superintendant or Master of Police, to be appointed under the Authority of this Act, shall have the sole and entire Superintendency of the aforesaid Market Place or Places at all Times, and particularly on the said Weekly Market Days, and he is hereby specially enjoined to see the Orders and Regulations of the said Magistrates punctually obeyed, in which he shall be assisted by such Number of the Police Officers (also to be appointed as aforesaid) as he shall find requisite and necessary; and all Fines and Penalties imposed by the said Regulations, in which any Person or Persons shall be convicted for contravening the same, shall be instantly exacted and paid to the said Superintendant of Police, which said Fines or Penalties shall be applied to the Purposes of this Act.

Superintendant of Police to have Charge of the Markets.

XXXVII. And whereas the Corporation of the Borough of *Dunfermline*, for the Accommodation of the Inhabitants, have erected and built a large and convenient Market Place for the Sale of Butchers Meat, and also a commodious Slaughtering House for killing Cattle, whereby a considerable Expence has been incurred, be it enacted, That no Butchers Meat shall be exposed to Sale in any of the Streets, Houses, Ways, or Passages within the said Burgh or Extended Royalty, but in the said public Market Place; and that no Cattle of whatever Kind or Description shall be slaughtered or killed elsewhere than in the said Slaughtering House; and that it shall be lawful to the Magistrates and Town Council, in Council assembled, and they are hereby authorized and empowered, at any Time or Times, to make, ordain, and establish such Rules, Orders, and Regulations, and to impose such Fines and Penalties for their Non-observance, not exceeding Forty Shillings, as they shall think proper; and for the better Government of the said Market and Slaughtering House, and all other public Market Places erected or which hereafter may be erected or built within the said Burgh or Extended Royalty, and for collecting the Dues in the said Markets, and in all other Places within the Limits of the said Burgh, as they shall judge fit and expedient; and also from Time to Time to repeal, vary, and alter such Rules, Orders, and Regulations, or to dispense with and take off any Part or Portion of the Dues or Customs

Butchers' Meat to be sold only in the public Market.

[*Loc. & Per.*]

14 P

usually



usually paid on Articles brought into the said Markets; provided such Rules, Orders, and Regulations of the said Magistrates and Town Council are not repugnant to the Laws of *Scotland* or to this Act, and shall be affixed on the Market Cross of the said Burgh, and any other Place the said Magistrates shall think proper.

Commissioners authorized to erect Butcher and other Markets and Slaughtering House.

XXXVIII. Provided also, and be it further enacted, That it shall and may be lawful to the said Commissioners, at any Period during the Continuance of this Act, and when it shall appear to them necessary and expedient for the better Accommodation of the Inhabitants, to erect and build additional Markets or Market Places for the Sale of Butchers Meat, Vegetables, Corn, Meal, Flour, Fish, or other Articles brought into the said Burgh or Extended Royalty for Sale, and also a Slaughtering House for killing Cattle in any Part of the said Burgh or Extended Royalty, and that Butchers Meat shall be exposed to Sale in the said Market or Market Places, with the other Articles aforesaid; and Cattle shall be slaughtered in the said Slaughtering House so to be erected and built, subject always to the Rules, Orders and Regulations of the Magistrates and Town Council aforesaid.

Water Committee how to be appointed.

XXXIX. And whereas the said Magistrates and Town Council, and the Incorporation of Guildry in the said Burgh, have at their own Expence laid down Pipes for supplying the said Town with Water, be it therefore enacted, That it shall be lawful to the said Magistrates and Town Council, and the Fraternity of the Guildry in the said Burgh, to nominate and appoint in the Mode now used and practised by the said Magistrates and Town Council and Guildry, and they are hereby authorized to nominate and appoint accordingly a Committee consisting of Seven Members of the Town Council (including Two nominated by the Convener Court), and Five Members of the Fraternity of the Guildry, which conjoined Committees of Twelve Persons shall be called the Water Committee (of whom in all Cases Three shall form a Quorum), and by the Authority of this Act shall be, and hereby are invested with the sole Charge and Direction of the public Wells and Pipes for conveying Water into the said Burgh, and with Power to repair, alter and otherways improve the said Wells and Pipes, and to do every Thing requisite and necessary for the better supplying the Inhabitants of the said Burgh and Extended Royalty with good Water.

Power of the Water Committee and Commissioners.

XL. And, for this Purpose, be it further enacted, That it shall and may be lawful to the said Water Committee, in Conjunction with the Commissioners under this Act, to levy an Assessment on the Inhabitants of the said Burgh and Extended Royalty, when it shall be found expedient by the said Commissioners and Water Committee to lay new Pipes for conveying Water into the said Burgh and Extended Royalty, or for obtaining an additional Supply of Water; and that such Assessment shall be in Proportion to the Sum that may be found necessary to carry on and complete the said Improvement, and shall be laid on by the said Commissioners and Water Committee in such Mode as to them shall appear the most equitable and just: Provided always, that the Inhabitants of the ancient and Extended Royalty, who at present derive no Benefit from the said Pipes or Wells, shall not in any Case be liable to pay such Assessment until the Benefit of the Water is extended to them.

XLI. And



**XLII.** And be it enacted, That the said Water Committee shall be, and they are hereby authorized to grant Permission to the Proprietors or Occupiers of Houses to convey Water by Leaden Pipes from the Main Pipes next adjoining to their respective Properties into their said Houses, at their own Expence; and that it shall be lawful for the said Water Committee to levy annual Rents (agreeable to the present Mode) for such private Pipes, from the Proprietors or Occupiers of Houses, Common Brewers, and Manufacturers, in Proportion to their Consumption of Water; all which annual Rents or Compositions shall be applied to the Purposes and in Support of the Water Scheme.

Water Committee to grant Pipes to Private Houses, &c.

**XLIII.** And be it enacted, That it shall be lawful for the said Commissioners and Water Committee to erect and build new Wells in any or such of the Streets, Lanes, and Passages of the said Burgh and Extended Royalty, as they shall deem expedient and most advantageous for supplying the Inhabitants with Water: Provided always, that the Expence of the said Operations shall be defrayed from the Assessment imposed and levied as above directed, together with the annual Rents and Compositions arising from private Pipes.

Commissioners and Water Committee empowered to dig Wells, lay Pipes, and to award Damages.

**XLIV.** And be it further enacted, That the said Commissioners and Water Committee shall appoint a Collector and Treasurer (or One Person who shall act as Collector and Treasurer), who shall collect the said Annual Rents, Compositions or particular Assessment imposed by virtue of this Act, and who shall apply the Monies he shall so collect as the said Commissioners and Committee shall direct; and the said Collector and Treasurer shall, if required, find Security to the said Commissioners and Water Committee for his or their Intromissions to such an Amount as they shall judge proper.

Collector or Treasurer to be appointed.

**XLV.** And be it enacted, That it shall be lawful to the said Water Committee to impose Fines on any Person or Persons who may be convicted of injuring or destroying the said Pipes, Wells, Cisterns, Springs, or Watercourses thereof, in any Sum not exceeding Ten Pounds Ten Shillings Sterling for each Offence; and the Magistrates, or any One of them, are hereby authorized on the Report of the Prefes of the said Water Committee, to grant Decree for the Amount of Fines so imposed, and also for the Amount of Damages thereby sustained.

Water Committee authorized to exact Fines for injuring or destroying Wells, Pipes, &c.

**XLVI.** And be it enacted, That it shall and may be lawful to the said Commissioners to appoint Persons for guarding and watching the said Burgh and Extended Royalty, and they are hereby authorized to appoint such a Number of Watchmen as they shall judge necessary for that Purpose, in such Manner and under such Regulations as to the said Commissioners shall appear proper and expedient.

Watchmen may be appointed.

**XLVII.** And whereas Two Fire Engines, with Buckets and Appurtenances thereto belonging, have lately been purchased by Subscriptions from the Town and Guildry, and other public Bodies, and from Individuals in the said Burgh, for the Use of the said Burgh, be it enacted, That the said Fire Engines, Buckets, and Appurtenances, shall be under the sole Direction and Management of the said Commissioners, and they are hereby authorized and empowered to take the sole and entire Direction and Management

Fire Engines.



Proprietors of Houses on Fire to pay Premium.

...ent of them accordingly, and at all Times to give such Orders for the occasional working and exercising the same, and keeping them in proper Repair, as they may deem requisite and necessary.

Proprietors of Houses on Fire to pay Premium.

XLVII. And be it further enacted, That the Proprietor or Occupier of any Dwelling House, Shop, Cellar, Warehouse, Work Shop, or other Tenement whatsoever, in which a Fire breaks out or takes place, shall pay any sum of Money not exceeding Five Pounds, which may be expended, at the Sight of any Two of the said Magistrates, Dean of Guild, and Deacon Convener of the Trades of the said Burgh, or other Commissioners, in paying Premiums or Wages to the Persons who may assist in extinguishing the said Fire, by bringing to the Spot Fire Engines, and a Supply of Water, or otherways in such Manner and Proportions as the said Magistrates, Dean of Guild, and Deacon Convener, or other Commissioners, may judge fit, the said Money to be recovered by the Prosecutor to be appointed under and by virtue of this Act.

Commissioners empowered to purchase Ground for a public Bleaching Green, &c.

XLVIII. And whereas it is expedient, for the Accommodation of the Inhabitants of the said Burgh and Extended Royalty, that a Bleaching Green should be provided, and a Washing House or Houses erected thereon; be it enacted, That it shall and may be lawful to the said Commissioners to purchase, or take in Lease, within the said Burgh or Extended Royalty, or in the Vicinity of the same, such Quantity of Ground as may be deemed adequate for the above Purposes, not exceeding Two Acres, from any Person or Persons willing to sell or let the same, and to form the said Ground into a Green for bleaching and drying Cloaths, and to erect and build thereon a public Washing House or Houses, and to appoint a Keeper or Keepers, and other Persons, for managing the said Washing House and Bleaching Green, or to let the same at a yearly Rent; and also from Time to Time to make Rules and Regulations for the internal Government thereof, and to alter and amend the same as they shall see meet; which Rules and Regulations the said Keepers and other Servants, or the Tacksmen of the said Green, in the Event of its being let, shall punctually observe and obey; the Expence of purchasing the said Ground, forming it into a Bleaching Green, and erecting the necessary Buildings thereon, to be defrayed from the Funds raised by virtue of this Act.

Rates for the use of Bleaching Ground.

XLIX. And be it further enacted, That the said Commissioners shall be entitled to levy and exact from all Persons frequenting the said Bleaching Green and Washing House or Houses so to be erected and built, a Sum not exceeding Five Shillings Sterling per Diem, and proportionally for the Time they occupy the same, each Person being furnished with a Washing Tub and boiling Water, the Funds arising therefrom to be applied to the Purposes of this Act: Provided always, that in the Event of the said Bleaching Green being let by the said Commissioners to a Tenant or Tenants, the said Tenant or Tenants shall be entitled to levy and exact from all Persons frequenting and using the said Bleaching Green and Washing House or Houses, a Sum to be settled by the said Commissioners, on granting said Lease, and which Sum shall in no Case exceed Five Shillings Sterling per Diem; the Rent arising from the said Bleaching Green and Washing House or Houses being applied by the said Commissioners to the Purposes of this Act.



L. And be it enacted, That the Superintendant of Police shall be and is hereby appointed Acting Billet Master for the whole Burgh usually quartered on, and at all Times when any of His Majesty's Forces shall be quartered in the said Burgh or Extended Royalty, or Suburbs subject to, and paying the Town Cess, Application shall be made to the said Superintendant of Police for Billets, and he shall thereupon, either by himself or by some fit Person to be appointed by him for that Purpose, distribute the Officers and Soldiers in the most equal and impartial Manner through the said Burgh and Extended Royalty as aforesaid, liable to be quartered on, in such and the like Manner as is or may be directed by any Law in force to that Effect; and the said Commissioners may appoint Assistant Billet Masters for particular Wards or Districts when such Appointment is necessary; and the said Superintendant of Police, as Principal Billet Master as aforesaid, shall keep regular Books for entering Billets, subject to the Inspection of the Inhabitants of the said Burgh.

Superintendant of Police Billet Master.

Commissioners may appoint Assistant Billet Masters, &c.

LI. And be it enacted, That from and after the First *Wednesday* of June One thousand eight hundred and eleven, the Royalty of the said Burgh of *Dunfermline* shall be extended over, and comprehend the Lands and others after mentioned, and the said Lands and others shall be, and they are hereby annexed to, and included within the said Extended Royalty accordingly, for the several Purposes of this Act; *videlicet*, the Grounds or Lands known by the Name of the *Abbey Parks* and *Bleachfield*, as the same are lying situated and bounded, between the *New-Row Street* of the said Burgh on the East, the Streets called *Canmore* and *Abbot Streets* (along which the Wall of the Monastery of *Dunfermline* anciently extended), and *May-Gate Street* on the North, the Street or Wynd called *Saint Catherine's Wynd*, with the Houses and Gardens on the West Side of the said Wynd, to the Tower Burn, on the West, and the Street or Lane called *Priory Lane*, extending from the said *New-Row Street* to the North East Corner of the Glebe of the First Minister of *Dunfermline* on the South Parts:

Boundaries of Extended Royalty.

Also, All the Grounds and Tenements situated between the present Royalty and the said *Tower Burn*, excepting the Glebe before mentioned, and such Parts or Portions of the said Abbey Grounds as may eventually be awarded as a Gra's Glebe, or the Scite of a Manse for the said First Minister; and also excepting the Whole of the Policy or Pleasure Grounds of the Estate of *Pittencrieff*, lying within the aforesaid Boundary, which Tower Burn from where it conjoins with or is united to the Burn or Rivulet called *Baldrige Burn* (afterwards mentioned), to the Bridge over the said Tower Burn, at the West End of the *Nethertown Street* of the said Burgh, is hereby declared to be the Boundary of the said Extended Royalty in that Quarter, (excepting that Part or Portion of the Grounds of *Pittencrieff*, lying on the West Side of the said Tower Burn, to be included in the said Extended Royalty, as the same is afterwards particularly described:

Also, The Houses and Gardens or Yards lying North from the Conduit lately rebuilt by the Town of *Dunfermline* over the Cut or Gully called *The Goat*, with the Street or Road leading therefrom to *Baldrige Burn* aforesaid by *Castle Blair*, and to where the said Street or Road is intersected by the said Burn, which said Burn or Rivulet and the Tower Burn aforesaid from where it joins to or unites with the said Rivulet, immediately on

[*Loc. & Per.*]

14 2

the



the North of the House belonging to and presently possessed by the Reverend *Allan M'Lean*, First Minister of *Dunfermline*, are hereby declared the Boundary of the said Extended Royalty in that Quarter :

Also, The Lands and others lying on the South and East of the Rivulet or Burn known by the Name of *Castle Blair* or *Broomhead Burn*, and from where the said Burn unites with *Baldrige Burn* aforesaid, and extending in an Easterly Direction, through or by the Lands of *East Baldrige*, belonging to *Robert Wellwood* Esquire, the Lands of *Broomhead* belonging to *Alexander Moncrieff* Esquire, and the Lands of *Venterfair*, belonging to *John Syme* Esquire, and along the North Dyke or March of the Lands of *Head Well*, belonging to *John Stenhouse*, to where the said Lands march with the Lands of the Town of *Dunfermline*, (excluding the said Lands of *Headwell*) on the East ; which said Rivulet or Burn is hereby declared the Boundary of the Extended Royalty in that Quarter :

Also generally, All the Lands belonging to the Community of the Town of *Dunfermline*, lying contiguous to the said Burgh :

Also, The Houses, Gardens, and others, on both Sides of *Bridge Street* and *Chalmers Street*, to and including the House and Garden or Yard belonging to and possessed by *David Trail* on the West, and the Well lately erected under the Authority of the Water Committee, on the East Side of the said *Chalmers Street*, to a Line running East from the said Well to the Tower Burn aforesaid, which Line is hereby declared the Boundary of that Part of the said Extended Royalty on the North ; and, on the West Side of the said *Chalmers Street*, at and including the House and Garden, or Yard, belonging to *David Trail* aforesaid, to the Pidgeon House, Park Wall of *Pittencrieff*, as the said Wall runs South, and forming an Angle in the South West Corner of the Garden belonging to *Charles Hunt* Esquire, terminates at the Tower Burn aforesaid ; which said Park Wall is hereby declared the Boundary of the said Extended Royalty in that Quarter :

Also, The Lands of *Briery Hill* and *Hawbank*, belonging to *Henry Scotland* Esquire, the Lands or Park on the East Side thereof, belonging to *John Couston* Esquire, the Lands called *Rhodes*, *Almery Lands*, *Elliot's Hill*, *Miln Hill*, and *Spittal*, belonging to *David Black* Esquire, and the Lands of *Spittal Hill*, holding of the Hospital of *Saint Leonard's*, but excluding the Planted or Policy Grounds belonging to the said *David Black*.

As to Royalty not being to be extended to Pittencrieff Feuars without the Consent of One-half and the Superior.

LII. Provided always, and be it enacted, That the Houses and Pieces of Ground forming Part of *Bridge Street*, holden of the Proprietor of *Pittencrieff* as Superior, and the Whole of *Chalmers Street*, and the said Streets called *Saint Catherine's Wynd*, and *Monastery Street*, comprehending therein the Milns, Kilns, Dwelling House, and other Houses and Office Houses at present in the Occupation of *William Baerd*, with the Ground adjoining, partly occupied by him and partly unoccupied, and the House and adjoining Garden in the Occupation of *David Betson* Esquire, as also the whole Lands and Estates of *Pittencrieff*, and all Houses and Grounds wherever situated, held of *William Hunt* Esquire as Superior, shall not be comprehended within the Royalty of the said Burgh, nor shall the same nor the Superiors, Proprietors, or Occupiers of any Houses erected and built, or that may be erected and built thereon, enjoy any



any of the Advantages or Privileges, or be subject and liable to any of the Provisions of this Act unless One-half of the Feuarsor Proprietors having the *Dominium Utile* of the Pieces of Ground and Houses on the said several Streets, shall respectively signify their Consents in Writing under their Hands, duly executed according to the Forms of the Law of *Scotland*; nor shall any of the Lands, Houses, and others above described, of which the said *William Hunt* is Proprietor or Superior, be comprehended within the Royalty as aforesaid without the Consent of the said *William Hunt*, or the Proprietor of *Pittencrieff* for the Time being, signified in like Manner, such Consents to be recorded by the Person or Persons making the same in the particular Register of Seifins kept at *Cupar* for the County of *Fife*: Provided also, that in estimating the Numbers of the said Feuars or Proprietors who shall signify their Consent as aforesaid, or who shall withhold the same, the Number for each of the said Streets shall be computed separately and not in Conjunction with the other Streets, so that the said Four Streets may be comprehended within the said Royalty, separately and successively on the necessary Consents in each being completed.

LIII. And be it enacted, That the Magistrates and Town Council of *Dunfermline* shall henceforth have and enjoy the same Rights, Privileges, and Jurisdictions over the said Lands, Houses, Gardens, and Grounds hereby annexed to and comprehended within the said Royalty, and the Inhabitants thereof, as they now enjoy and exercise over and within the Limits of the present Royalty; and shall and they are hereby empowered to levy, for the Purposes of this Act, the same Mails, Customs, and Duties, and other Taxations, within those annexed Lands and others, in the same Manner and by such Means as the said Magistrates and Town Council are entitled to levy and recover such Mails, Duties, and Customs, and Taxations, within the said Royalty, excepting where provided against by this Act.

Jurisdiction  
of Magistrates  
and Town  
Council.

LIV. Provided always, and be it enacted, That the Extension of the said Royalty shall not be held to alter or affect the present Nature of the Holdings, or Right of Superiority and Property of the Lands, Houses, Gardens, and other Grounds over which the Royalty is by this Act extended, but that the Tenures of such Property shall continue and be as they were before this Act was passed; nor shall this Act be deemed to convey any Thirlage or Claim of Thirlage over the Lands and other Property hereby annexed; and provided also, that the Inhabitants, Merchants, Traders, or Mechanics resident in the said Extended Royalty, shall not be obliged to become Members of the Fraternity of the Guildry or Incorporations of the said Burgh, but shall be at Liberty to become Members of, and enter with the said Guildry and Incorporations if they shall be so disposed, and shall have all the Privileges thereto belonging, on Payment always of the usual and accustomed Fees of Admission to such Guildry and Incorporations.

Rights of Superiority and Property not affected by Extension of the Royalty.

Entering with the Guildry or Incorporations optional, so resident in Extended Royalty.

LV. And be it enacted, That in order to facilitate and assist the Execution of this Act, the said Burgh and Extended Royalty shall be divided into Ten separate Districts or Wards, and a Commissioner or Commissioners elected for each, as shall be hereinafter directed; and the said Burgh and Extended Royalty is hereby divided accordingly, into the following Districts or Wards; *videlicet*, The First District or Ward, to commence at the West End of the *High Street*, that is to say, at and including the

Ancient and Extended Royalty divided into Ten Wards or Districts.



the House life-rented and possessed by *Barbara Adie* Widow, on the South, and the House lately belonging to *John Fothringham* Grocer, now to *James Russell* Writer, on the North Side of the said Street, to include *South Chapel Street*, and the Lanes and Closes on both Sides, and to terminate at the Cross of the said Burgh, at and including the House of *David Black* Town Clerk of *Dunfermline*, on the South, and the House of *William Buchanan* Merchant, on the North of the said *High Street*; and for which said District or Ward, Two Commissioners shall be elected:

The Second District or Ward to commence at and include the new Building called the *Guild Hall*, on the South, and the House belonging to the Heirs of the late *John Bewgo* Minister of the Gospel, and presently possessed by *William Beveridge* Chamberlain of the said Burgh, on the North Side of the said *High Street*, to include the Lanes and Closes on both Sides, and to terminate at the East Port, at and including the House of *Michael Hunter* Baker, on the South, and the House belonging to *Robert Bonner* Wright, on the North Sides; and for which said District Two Commissioners shall be elected:

The Third District or Ward to include the *Collier Row*, commencing at and including the House belonging to Provost *John Wilson*, and possessed by *John Miller* Bookseller, on the West, and the House lately the Property of *John Stenhouse* of *South Fod*, Esquire, now of *Robert Taylor*, on the East Sides of the said *Collier Row*; the Streets called *Rotten Row*, *North Chapel Street*, the *Black Row* at the North Side of the *High Dam*; and all the Houses and others from the Termination of the Ancient Royalty, and on the North and West of the said *Black Row*, hereby annexed to and included within the said Royalty; and for which said District or Ward One Commissioner shall be elected:

The Fourth District or Ward to include the *Kirk Gate*, commencing at and including the House of *Henry Rutherford* Merchant, on the East, and the House of *Glas* Widow, on the West Side of the said *Kirk Gate*, the *May Gate* and *Abbott Street*, to the Houses of *James Douglas* Writer, on the South, and of *David Morris* Wright, on the North Sides of the said Street (neither of which Houses are included in the said District) the Closes or Courts in the said *Maygate* and *Kirkgate Streets*, and *Saint Catherine's Wynd*, to the *Abbey Close*; and for which said District or Ward, One Commissioner shall be elected:

The Fifth District or Ward to include *Queen Ann Street*, from, and including the House of *William Campbell* Surgeon, on the North, and the Malt Barn, belonging to *Henry Bardner* Writer, on the South Side of the said Street; the *Cross Wynd*, *School End Street*, the *Knabbie Row* or *Reid Street*, to and including the House belonging to *Andrew Reid*, on the North, and the House belonging to *Henry Thomson*, on the South Sides of said Row or Street; the *Back Street*, from the East End of *Queen Ann Street*, to the East End of the Town, and all the Houses and others to the Eastward of that Row of Houses, running North from the West End of the *Black Row*, and to the North-ward of the said *Knabbie Row*, or *Reid Street*, and to the Termination of the Royalty on the North and East; and for which said District or Ward One Commissioner shall be elected:

The Sixth District or Ward to include *Guildhall Street*, *Canmore Street*, to the House possessed by the Reverend *John Fernie*, Second Minister of the Church and Parish of *Dunfermline* inclusive; *Abbey Park Place*, and *Saint Margaret's Street*, to the House and Gardens inclusive, belonging



belonging to and possessed by *Henry Scotland of Briery Hill*, Esquire, on the South End of the said Street; and for which District or Ward One Commissioner shall be elected:

The Seventh District or Ward to include *Monastery Street*, (from the *Abbey Close*) *Gib Street*, *Priory Lane*, *Moodie's Street*, and all the Space between the said Street and the Wall or Dyke, by which the Reverend *David Black's* Property is bounded on the West; and for which said District or Ward One Commissioner shall be elected:

The Eighth District or Ward to include *East Port Street*, and all the Space to the Eastward thereof, to the Limits of the Extended Royalty and *Shadows Wynd*, and the *New Row* to the East End of the *Nethertown*; and all that Part or Portion of Lands, and others to be annexed to and included within the Royalty in virtue of this Act, situated on the South of the *Kirkcaldy Road*, and on the East of the Road or Street leading from the said *New Row Street* to the *Pitbauchlie Road* or *Spittal Cross Head*; and for which said District or Ward One Commissioner shall be elected:

The Ninth District or Ward to include the *Nethertown* from the Bridge over the Tower Burn, at the West End of the said *Nethertown Street* to its Termination on the East, and *Bothwell Haugh Row*, (formerly called *Gutter Side*) to the *Spittal Bridge*; and all that Part of the *Spittal Lands*, to the Southward and Westward of the *Queensferry Road*, to the Limits of the Extended Royalty, and to where the Royalty shall extend, in virtue of this Act, to the Southward of the said *Spittal Bridge*; and for which District or Ward One Commissioner shall be elected:

The Tenth District or Ward to include *Bridge Street*, from the House belonging to and possessed by Provost *John Wilson* inclusive, on the North, and the Town House of the said Burgh, on the South Sides, of the said Street, to the North End of *Chalmers Street*, and to where the Extended Royalty of the said Burgh ends and determines; and for which said District or Ward One Commissioner shall be elected.

LVI. Provided always, and be it enacted, That it shall and may be lawful to and in the Power of the Provost, Bailies, Dean of Guild, Convener of the Trades, and the Three Deacons of the Incorporations, the Town Clerk and Chamberlain, who are *ex officio* Commissioners under this Act, in conjunction with the Six Members of Guildry, and the Commissioners named as above, and their Successors in Office to be elected in Manner and Form after directed, to alter, vary, add to, or diminish the said Districts or Wards, or any of them, in such Manner as the State of the Population of the said Burgh and Extended Royalty, or other Circumstances, shall, to the said Magistrates and other Commissioners, appear from Time to Time to require.

Districts may be altered.

LVII. And be it enacted, That the said Commissioners for Districts shall be elected on the First *Wednesday* of *May* One thousand eight hundred and twelve, by a Majority of Votes of the Occupiers of Dwelling Houses, Shops, Warehouses, and other Buildings, within their respective Districts or Wards, whose Possessions are valued and assessed at Four Pounds Sterling and upwards of yearly Rent; and that the Commissioners so elected shall be resident in and possess a House or other Building within their respective Districts of the yearly Rent of Four Pounds Sterling: Provided always, that where any Person shall have a Qualification in One District upon a Dwelling House, and in another upon a Shop, Warehouse, or other Building

Qualifications of Commissioners.



Building such Person shall vote and act in respect of the Dwelling House; and that where any Person shall have Dwelling Houses, affording a Qualification in different Districts, such Person shall vote and act in respect of the House of the greatest Value, but shall not be entitled to vote in different Districts or Wards.

Votes how to be given.

LVIII. And be it enacted, That the said Votes shall be given in each District 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 that Purpose, on the Day appointed for each Election, which Boxes the Provost, Two Bailies, Dean of Guild, and Deacon Convener of the Trades, and the other Commissioners 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 them in such Place within each District or Ward as to them shall seem proper, and of which they shall give Three Days previous Notice, by Advertisement from the Precentors Desks, and upon the Church Doors of the several Churches and Chapels within the said Burgh and Extended Royalty, in order that all concerned may have access, to put their Names or Tickets into the said Boxes, between the Hours of Ten of the Clock of 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 Choice of Commissioners declared by the said Magistrates and the other Commissioners of the Year preceding, who shall determine by a Majority of Votes, at their own Meeting, in all Cases of Equality of Votes for Commissioners: Provided always, that no Person shall be entitled to vote but in One District or Ward only; and that if any Person not qualified to vote as herein provided, shall notwithstanding vote or attempt to vote at the said Election, every Person so offending shall forfeit Forty Shillings, which Forfeiture shall be applied to the Purposes of this Act.

Votes for Commissioners how to be given.

Vacancies how to be filled up.

LIX. And be it enacted, That in case any of the Commissioners to be elected as aforesaid, shall happen to die, or 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, their Places shall become vacant, and the said Commissioners shall within Ten 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 more than Six Days after the Publication of such Advertisement, in order to choose a Commissioner or Commissioners as aforesaid, to supply the said Vacancy or Vacancies, who shall be elected accordingly.

Majority of Commissioners to determine all Disputes.

LX. And be it enacted, That in case any Dispute or Difference shall arise relative to either the Qualifications of the Electors or of the Persons elected, the same shall be determined by the said Magistrates, and Three or more Justices of the Peace for the District, for the First Election, and afterwards by the said Commissioners, whose Determination, or that of a Majority of them, shall be final and binding on all concerned.

LXI. And



LXI. And be it enacted, That in case the Electors of any of the said Districts or Wards shall refuse or neglect to elect Commissioners for the same, either at the Time appointed as aforesaid, or upon the First *Wednesday* of *May* annually thereafter, or upon any other Days appointed by Authority of this Act, for electing Commissioners to supply Vacancies, then and in such Cases it shall be lawful for and in the Power of the said Commissioners who have accepted their Offices, to nominate and appoint Commissioners qualified as before directed, for the said Districts or Wards, for which Elections have not been made, and those Persons, when so appointed, shall have and enjoy the same Powers and Privileges for executing this Act, and shall remain the same Time in Office as if they had been elected in the Manner herein-first directed.

Commissioners in certain Cases, authorized to fill up Vacancies.

LXII. And be it enacted, That it shall and may be lawful to the Fraternity of the Guildry in the said Burgh, within Twenty Days after the passing of this Act, to nominate and elect Six of their Number as aforesaid, to act as Commissioners under this Act, along with the Provost, Two Bailies, Dean of Guild, Treasurer, Deacon, Convener of the Trades, Three Deacons of the Incorporations, the Town Clerk, and Chamberlain of the said Burgh, and the Persons before named and appointed Commissioners as aforesaid; and that annually, upon the *Thursday* next after the First *Wednesday* of *May*, the said Fraternity shall, from their own Members, elect and chuse Six Commissioners for the ensuing Year, as aforesaid; the said Dean of Guild voting at the said Election only in Cases where the Votes shall happen to be equal: Provided always, that when any of the said Fraternity shall have previously been elected Commissioners of Districts, then and in that Case the Person or Persons so elected, and having accepted of the Office of a Commissioner or Commissioners of Districts, shall not be eligible to be elected a Commissioner or Commissioners by the said Fraternity; and the Six Commissioners aforesaid shall be elected and chosen from those Members of the said Fraternity who have not been elected, or who having been elected have declined accepting the Office of a Commissioner or Commissioners of Districts: Provided also, that no Person being *ex officio* a Commissioner under this Act, shall be capable of being elected a Commissioner by the said Fraternity.

Commissioners from the Guildry how to be elected.

LXIII. And be it enacted, That it shall be lawful for the aforesaid Quorum of Commissioners to transact ordinary Business, but that no Money shall be assessed or voted for, and that neither a Clerk, Collector or other Officer shall be appointed, nor Salaries fixed for them, except at Meetings where 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 Burgh or extended Royalty at the Time shall be cited personally, or at their Dwelling Houses, to attend all adjourned Meetings of the said Commissioners.

Commissioners Quorum to transact ordinary Business.

LXIV. And be it further enacted, That the said Commissioners shall hold their First Meeting on the First *Wednesday* of *June* One thousand eight hundred and eleven, and that afterwards Four Quarterly Meetings of the said Commissioners shall be held within the Town House of the said Burgh on the Second *Wednesday* of *August*, the Second *Wednesday* of *November*, the Second *Wednesday* of *February*, and the Second *Wednesday* of *May* annually, at Twelve of the Clock at Noon, for the putting this

Commissioners to meet Quarterly.



this Act, and the Powers hereby committed to them, into Execution; and that the Provost of the said Burgh, and in his Absence the Dean of Guild, and in the Absence of both the next senior Magistrate, shall call the First Meeting, and that the Clerk to be appointed by the said Commissioners shall call all the other said Quarterly Meetings, by causing printed or written Notices to be delivered to them personally, or left at their Dwelling Houses, at least Twenty-four Hours previous to the Time of the said Meeting.

Commissioners may adjourn Meetings.

LXV. And be it enacted, 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 Burgh or Extended Royalty, which they may think proper for executing the Powers hereby vested in them.

Meetings may be called by the Provost or Senior Magistrate.

LXVI. And be it further enacted, That the Provost of the said Burgh, or in his Absence the Dean of Guild, or in the Absence of both, the next senior Magistrate, shall, upon a written Requisition made to him by any Three of the said Commissioners, appoint Occasional Meetings of said Commissioners to be held within Twenty-four Hours of such Requisition, and the said Commissioners shall in all Cases defray their own Expences.

Commissioners may be re-elected.

LXVII. And be it enacted, That at the First Election of Commissioners as aforesaid, any of the Persons named and appointed Commissioners by this Act, may be elected Commissioners by the different Districts.

First elected Commissioners to remain in Office One Year; and to be replaced by Ballot.

LXVIII. And be it enacted, That the Commissioners chosen at the said First Election for Districts shall remain in Office for One Year thereafter, when One Half of the said Commissioners of Districts shall go out of Office by Ballot, and an equal Number of Commissioners qualified and elected in Manner aforesaid, shall be chosen to supply their Places; and that on the First *Wednesday* of *May* annually thereafter, the senior Six Commissioners for Districts shall be disqualified and go out of Office by Rotation, and an equal Number of other Commissioners qualified and elected in Manner aforesaid shall be chosen to supply their Places, so that there be an Election of Six Commissioners for Districts each Year, and no more, except for supplying Vacancies: Provided always, that Persons disqualified in Manner aforesaid may be immediately re-elected into Office, in the Option of their Constituents, in which Case they shall come in as youngest Commissioners, and shall be inrolled as such accordingly.

Commissioners authorized to appoint Officers.

LXIX. And be it enacted, That the said Commissioners shall have Power to appoint a Collector or Collectors, a Treasurer or Treasurers, Clerk or Clerks, or other Officers, for levying, recovering, and paying away the Monies to be raised by virtue of this Act; and for keeping their Books or Records, and for other Purposes aforesaid; and to rent or hire a sufficient Office for holding their Meetings and transacting their Business, and also to appoint suitable Salaries to the said Collector, Treasurer, and Clerks; and to agree for, and pay a reasonable Rent for the said Office out of the said Funds; and that the said Collector and Treasurer (or One Person who may be appointed to act as Collector and Treasurer) shall find



find sufficient Security to the said Commissioners for his or their respective Intromissions with the Funds, he or they shall be empowered to levy and collect.

LXX. And be it enacted, That in order to raise a Fund for executing the Purposes of this Act, it shall be lawful to the said Commissioners, and they are hereby authorized and required upon the First *Wednesday* of *October* One thousand eight hundred and eleven, and annually upon the Second *Wednesday* of *May*, to assess upon all Renters, Occupiers, or Possessors of Dwelling Houses, Shops, Warehouses, Cellars, and other Buildings and Pertinents thereof, within the said Burgh and Extended Royalty, and rented or valued at One Pound Ten Shillings Sterling, and under Twenty Pounds Sterling yearly, an Annual Assessment not exceeding One Shilling in the Pound Sterling; and on the yearly Rent of the said Subjects rented or valued at and above Twenty Pounds Sterling yearly, an Assessment not exceeding One Shilling and Sixpence in the Pound Sterling; or so much of the said Sums, as the said Commissioners shall judge necessary to assess and lay on for the said Purposes at the Time; which Annual Assessment shall be calculated for the Current Year from *Whitsunday* to *Whitsunday* annually, upon the aggregate or accumulated Rent of each Person's Possession, and shall be payable in the Proportions, and at the Times to be appointed by the said Commissioners, and shall be levied and collected by the Person or Persons appointed by the said Commissioners, or a Majority of them; and the said Person or Persons so to be appointed, shall be, and hereby are empowered and required to levy, collect, and afterwards pay over to the said Commissioners, or to such Person as they shall appoint, the said Assessment levied and collected by them, as afterwards directed.

Fund to be raised for the Purposes of this Act.

LXXI. And be it enacted, That it shall be lawful to the said Commissioners, if they shall judge necessary and expedient, to nominate and appoint One or more Assessors, who shall, within One Calendar Month after their Appointment, return upon Oath (to be administered by any One of the Magistrates of the said Burgh) 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 when they are in the Possession of the Proprietors, or when the Rent paid 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 House, or at the Place assessed, a Note of the Rent with which such Occupier is to be charged; and if any Person or Persons assessed as aforesaid shall think themselves overcharged by such Assessment, such Persons shall have Liberty of appealing to the Commissioners for Redress; and the said Commissioners shall, at least One Month before the First *Wednesday* of *May*, annually meet for the Purpose of hearing and deciding such Appeals, Eight Days previous Notice being given of the Time and Place and Purpose of the said Meeting, by Advertisement by Tuck of Drum through the said Burgh and Extended Royalty, at least Three Times; any Three of the said Commissioners being a Quorum, for finally deciding such Appeals.

Assessors may be appointed.

Persons assessed may appeal to Commissioners.

LXXII. And be it further enacted, That in case the Particulars of all the Tenements subject to Payment of the said Assessment, shall not be contained

[*Loc. & Per.*]

14 S

Commissioners authorized to ascertain Rents of



Houses not returned in the Assessor's Lists.

Collector of Assessments may apply for Distress Warrants.

Magistrates to grant Warrant to distrain for Assessment.

Commissioners to ascertain and lay on Assessment annually.

No Assessment to be levied or expended until laid on by the Commissioners.

Proprietors of Houses to be assessed for what they occupy only.

in the List or Lists given in to the said Commissioners as aforesaid, then it shall be lawful to, and in the Power of the said Commissioners to ascertain the yearly Rent or Value of those Tenements, and in case the said Assessment shall not be laid on and levied to the full Amount of the Rates above specified, the same Proportions on the different Classes of Rents shall be observed, as is before directed to be laid on and levied; and if any Person or Persons so rated and assessed, shall refuse or neglect to pay the Rates or Assessments charged upon him, her or them, for the Space of Forty Days next after such Rate or Assessment shall be due and demanded, and Notice given by General Advertisement from the Presentors Deiks of the Churches and Chapels, in the said Burgh and Extended Royalty, after Divine Service in the Forenoon, the *Sunday* immediately preceding such Rates and Assessments becoming due, and by Tuck of Drum through the said Burgh and Extended Royalty; then, and in that Case, it shall be lawful to the said Collector or Collectors to apply to any of the Magistrates for a Warrant to their Officers, or any one of them, to enter his, her or their Dwelling House or Houses, and to seize and take Possession of his, her or their Goods and Effects, and which Warrant the said Magistrates or any one of them, are hereby authorized to grant, upon a Certificate signed by the said Collector, of such Demand having been made, of such Notice having been given, and of such Person or Persons being in arrear to the Amount stated in such Certificate; and if such Rates or Assessments shall not be paid within Three Days next after such Seizure is made, together with the Costs or Charges thereby incurred, then the said Collector or Collectors is and are hereby authorized to sell by public Roup, at the Cross of the said Burgh, or such other Place as may appear proper, such Part of the said Goods and Effects, as shall be sufficient to pay the said Rates or Assessments, with the Costs and Charges attending such Seizure and Sale, returning the Surplus, if any be, to the said Owner or Owners; the Cost or Charges to be ascertained by the Magistrate who shall issue the said Warrant.

LXXIII. And be it enacted, That the said Commissioners hereinbefore named and appointed, and their Successors in Office, shall have full Power and Authority; and they are hereby authorized and required, at their said Meeting to be held on the Second *Wednesday* of *May* annually, to ascertain the Sums of Money to be expended for the Purposes of this Act, for the current Year; and that it shall not be lawful for, nor in the Power of the said Commissioners, or any Person acting under the Authority of the said Commissioners, to levy or expend any Monies by virtue of this Act, unless the same shall have been previously assessed and laid on, and the Expenditure thereof voted by the said Commissioners; and that the said Magistrates and the other Commissioners shall be subject to, and liable in Payment of the said Assessment for the Houses, Shops, Warehouses, Cellars and other Buildings rented or possessed by them, any Law or Usage to the contrary notwithstanding.

LXXIV. Provided always, and be it enacted, That Proprietors and Life Renters, shall only be liable in Payment of the said Assessment for the Houses, Shops, Warehouses, Cellars and other Buildings, occupied and possessed by themselves and their Servants, but not for those occupied and possessed by their Tenants, from whom only the said Assessments for their respective Possessions shall be recovered in Manner aforesaid.



LXXV. Provided also, and be it enacted, That no Vintner, Lin Keeper, Tavern Keeper or Coffee-house Keeper, shall be assessed in a higher Sum than Five Pounds annually, under the Authority of this Act, for the Houses, Tenements and Pertinents thereof, possessed by him in the Way of his Business, whatever the Rent of his said Possessions shall be.

Proprietors of Alehouses how to be assessed.

LXXVI. And be it further enacted, That no Houses or Buildings erected or to be erected, rented together or separately, if belonging to the same Proprietor and lying contiguous and used for the Purposes of Manufactory of any Kind, Mills for grinding Corn, spinning Flax or Cotton Yarn, or other Purposes, or for Distilleries or Breweries, although the same together shall be rented at or worth above the yearly Sum of Fifty Pounds Sterling, shall be valued for the Purposes of this Act above that Sum, or assessed in a higher Rate than the Assessment corresponding to the Rent of Fifty Pounds Sterling to be imposed and levied by virtue of this Act.

Assessment in certain Cases fixed.

LXXVII. And be it further enacted, That no Assessment shall be levied for Gardens or Arable Grounds lying within the said Burgh or extended Royalty; nor for Farm Houses and Pertinents thereof, presently built, or that may hereafter be built, on any of the Lands to be annexed to, and included within the Royalty by virtue of this Act, nor for empty or waste Houses: And provided always, that all Houses and other Buildings hereinbefore mentioned, occupied by any one Person, and rated under the yearly Rent of One Pound Ten Shillings Sterling; and all Persons receiving Alms from the Parish or other Funds; or from Societies or Corporations bestowing Charity; or from Funds mortgaged for the Purposes of Charity within the said Burgh and extended Royalty shall be, and they are hereby exempted from the Payment of any Assessment to be imposed or levied by virtue of this Act.

Arable Grounds and Gardens not to be assessed, nor Persons receiving Charity.

LXXVIII. And be it enacted, That all travelling Merchants, Auctioneers, and others who shall take up a temporary Residence in the said Burgh for the disposing of Merchandize, Goods, and other Effects, and who, in Prosecution of such Business, occupy a Shop, Warehouse, or other Place for disposing of the said Goods within the said Burgh, shall pay the Assessments before mentioned, corresponding to the Possession occupied by them for the Current Year, for which they shall be charged with such Assessments whether they continue to occupy such Possession for a whole Year or for a less Period; and they shall also be liable in like Manner in Payment of the Assessment for the Maintenance of the Poor, of Trades, Stent, or Cess, and such other Public and Parochial Taxations as the Burgeses and Inhabitants of the said Burgh are liable to pay; the said Persons during their Residence in the said Burgh being entitled to the Protection afforded by this Act, in the same Manner as the other Inhabitants.

Travelling Merchants liable to be assessed.

LXXIX. 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 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, any Thing herein contained to the contrary notwithstanding.

Commissioners may give Abatement or Relief from Assessment.

LXXX. And



Annual Assessment to be paid from the Town's Funds.

LXXX. And be it enacted, That the said Magistrates and Town Council shall, from the common and ordinary Funds of the said Burgh, (after deducting the Interest of Money, annual Salaries, Minister's Stipends, and all public Burdens payable from the Common Good of the said Burgh) add annually to the said Assessments, by Payments made by them, or the Chamberlain of the said Burgh to be authorized by them so to do, One Half of the Surplus of the Income or Revenue of the said Burgh, by Quarterly Payments, beginning the First Payment thereof at the Term of *Martinmas* after the passing of this Act, and so on Quarterly thereafter during the Continuance of this Act; and that all Monies arising from the said Assessments and the said Addition thereto shall be applied, laid out, and expended for the Purposes aforesaid, and for no other Purpose whatever.

Procurator Fiscal may bring Actions.

LXXXI. And be it further enacted, That it shall be competent to the said Commissioners, or to the Procurator Fiscal of the said Burgh for the Time being, in their Name to bring Actions, and Execution 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 herein-before specified.

Commissioners authorized to borrow Money.

LXXXII. And be it enacted, That from and after the Commencement of this Act the said Commissioners shall be empowered, and they are hereby authorized and empowered, from Time to Time, to borrow and take up at legal Interest any Sum or Sums of Money, not exceeding Six thousand Pounds Sterling, and to grant, assign, and make over the several Rates and Duties given, granted, and directed to be taken and levied by virtue of this Act, in Security for the Re-payment of the said Sums of Money so to be borrowed with Interest thereon; and that the Monies so to be borrowed and advanced shall be employed for lighting, paving, cleansing, repairing, widening, and watching the Streets of the said Burgh, and Extended Royalty, and the other Purposes of this Act, before specified.

Books to be kept of Monies levied and expended.

Books to be balanced annually.

LXXXIII. And be it enacted, That 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 balanced yearly in the Month of *April*, the first Balance to be struck in the Month of *April* One thousand eight hundred and twelve, from which Books a State of the Payments and Disbursements for the preceding Year shall be made out and printed, on or before the Third *Wednesday* of *July* annually after the Books are balanced; and a Copy thereof shall be delivered to each of the said Commissioners, and shall be lodged in the Council Room of the said Burgh, where it shall remain for Four Weeks, during which Time it shall be open to the Inspection of the Burgeses of the said Burgh, and every Person contributing to the aforesaid Assessment, without Fee or Reward.

Minute Books to be kept and open to Inspection of the Burgeses, &c.

LXXXIV. And be it further enacted, That the said Commissioners shall keep or cause to be kept, a Book or Books, in which shall be engrossed or written Minutes of their Transactions, with the Amount of the Salaries paid to the several Officers appointed by the said Commissioners, which

Book



Book or Books shall at all reasonable Times be open to the Inspection of all concerned as aforesaid, who shall and may be permitted to peruse and inspect the same without Fee or Reward; and that it shall be competent to the said Town Council and Managers of the Guildry of the said Burgh, or any Two of the Inhabitants thereof, 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 the Court of Session 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 Actions shall be commenced within Twelve Calendar Months after the Offence prosecuted for, shall be alledged to have been committed.

Commissioners may bring Actions against their Predecessors.

LXXXV. And be it enacted, That no Gunpowder shall be sold within the said Burgh or Extended Royalty by Candlelight, or before Sun-rising or after Sun-setting, under a Penalty not exceeding Five Pounds Sterling to be paid for each Offence by the Person or Persons selling the same, to be levied and applied in Manner hereinafter directed.

Penalty on selling Gunpowder by Candle Light.

LXXXVI. And be it enacted, That the Magistrates and Town Council in Conjunction with the Commissioners of the Land Tax for the Western District of *Fife*, be, and they are hereby authorized (at any Time after the passing of this Act, when a Powder Magazine shall be found requisite and necessary), to erect, or cause to be erected and built, a sufficient and commodious Magazine for the Purpose aforesaid, and in such a Situation, without the Limits of the said Burgh, as shall appear to them most proper, with Power to take Possession of the Ground necessary for such Building, and proper Access thereto, not exceeding One Quarter of an Acre, from any Person or Persons willing to sell and dispose of the same: Provided always, that the said Magistrates and Town Council, and Commissioners of the Land Tax aforesaid, shall, after the said Magazine is built, be entitled to charge such a Rent, on those using the same, or any Part or Apartment thereof, as shall pay them at the Rate of Seven Pounds Ten Shillings *per Centum* for the Money expended in purchasing the Ground and erecting the said Building.

Magistrates and Town Council, and Commissioners of Land Tax authorized to erect a Powder Magazine.

LXXXVII. And be it enacted, That no Children born of Parents confined in the *Tolbooth* of the said Burgh, shall by such their Birth, acquire a legal Settlement within the said Burgh or Parish, unless they have, in other Respects, a legal Right to such Settlement; and it shall be lawful to the Commissioners of Districts to prevent Vagrants from acquiring a legal Settlement within their said Districts.

Vagrants not entitled to legal Settlement.

LXXXVIII. And whereas, it is expedient that proper Regulations should adopted with Regard to the Weight of Bread baked within the said Burgh and extended Royalty, for Sale: be it therefore enacted, That the Magistrates 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 Burgh and extended Royalty, 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 Three Pence each; and that the Peck Loaf shall weigh Seventeen Pounds Six Ounces, the Half Peck shall weigh Eight Pounds Eleven Ounces, and the Quarter

Magistrates to order and regulate the Assize of Bread

[*Loc. & Per.*]

14 T

shal



shall weigh Four Pounds Five Ounces and an Half, all of Avoirdupois, and the Half Quartern 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 within the Town by Tuck of Drum, and Notice put up in the most public and conspicuous Places; and the said Magistrates shall have Power, and they are hereby authorised 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 they have been in use to regulate the Weight or Affize of Bread; and that no Baker shall sell such Bread for a larger Sum than the Prices so fixed; and the said Magistrates are hereby authorised, as often as they shall think necessary, to cause all Bread baked in, or brought into the said Burgh or Extended Royalty for Sale, to be weighed and examined, and to impose and levy Fines and Penalties either on account of Overcharge of Price, Deficiency of Weight, or Adulteration of the Bread, not exceeding Five Pounds for each Offence.

Commissioners authorized to make Bye Laws, and exact Penalties.

LXXXIX. And be it enacted, That it shall and may be lawful to the said Magistrates and other Commissioners, or a Majority of them, at any Meetings to be held for that Purpose, at any Time or Times after the passing of this Act, to make, ordain, and establish Orders, Rules, and Bye Laws for the better executing this Act; and also from Time to Time to repeal, add to and amend or alter such Rules, Orders, and Bye Laws, as to them shall seem necessary and expedient, and to enforce the same by pecuniary Penalties, not exceeding for any One Offence the Sum of Forty Shillings Sterling, to be levied in Manner herein-after directed: Provided always, that none of the said Regulations shall become valid or take Effect till they be ratified and confirmed by the Magistrates and Town Council of the said Burgh in Council assembled, and printed, and put up in the most conspicuous Places, of the said Burgh; and also that no such Regulations shall be repugnant to the Law of *Scotland*, or to any Thing contained in this Act.

Magistrates to decern summarily for Penalties, &c.

XC. And be it enacted, That it shall and may be lawful for the said Magistrates, or any One of them, to decern in a summary Manner for the several Penalties, Damages, and Expences imposed by this Act (the Manner of levying and recovering whereof is not otherways herein particularly directed), and in case the Penalties or Forfeitures be not immediately paid, the said Magistrates, or any One of them, where the Sum decerned for does not exceed Twenty Shillings Sterling, shall, and they are hereby empowered to commit the Person or Persons refusing to Prison, for any Time not exceeding Six Days, unless such Penalties, Damages, and Expences, and the Charges incurred in levying or recovering the same, shall be sooner paid and satisfied.

Application of Penalties.

XCI. Provided also, and be it further enacted, That the Whole of the pecuniary Penalties and Forfeitures enacted by this Act shall, in the First Place, be applied in Payment of the Expence incurred in prosecuting Offenders against the said Act, and the Balance (where not otherways before provided for) shall be paid into, and make a Part of the Funds under the Direction of the said Commissioners for the Purposes of this Act.

XCII. And



**XCII.** And be it enacted, That if any Person or Persons shall think Appeal. . . .  
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 *Fife*,  
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 Judgement 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.

**XCIII.** And be it enacted, That the Penalties and Forfeitures which may Actions for  
be imposed in virtue of this Act, in case Actions for the Recovery of them Penalties, &c.  
be not commenced within the Space of Three Calendar Months limited.  
from the Time the Facts by which they are incurred have been com-  
mitted, shall cease to be of any Effect, and the Person or Persons who  
shall have so offended, shall not be liable to be prosecuted for such Pe-  
nalties or Forfeitures.

**XCIV.** And be it enacted, That no Action shall be commenced against the Actions  
Commissioners, or any other Person or Persons, for any Thing done in the against Com-  
Execution of this Act, after Three Calendar Months from the Time the missioners  
Fact is committed, and the Defender or Defenders in such Action or Process limited.  
may produce this Act, and plead that the said Things were done by Au-  
thority 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 absolved from  
such Action or Process; and the Pursuer or Pursuers in such Action  
shall be found liable to pay Costs to the said Defender or Defenders.

**XCV.** And be it enacted, That the Charges and Expences of passing this Expence of  
Act shall, in the first Instance, be advanced and paid by the said Magistrates this Act how  
and Town Council out of the Funds of the Community; and shall be re- to be paid.  
paid to them with Interest, from the respective Periods of advancing the  
same, out of the Monies arising from the Assessments aforesaid, by equal  
Portions from the Sums levied, within Three Years after passing this  
Act.

**XCVI.** Provided always, and be it enacted, That nothing in this Act con- Saving Clause.  
tained shall extend, or be construed to extend to take away, abridge, or  
diminish, any Rights, Privileges, Jurisdictions, and Powers, which now  
belong to, and are enjoyed by the said Magistrates and Town Council of  
the said Burgh, by virtue of former Acts of Parliament, or Royal Charters  
granted in their Favour, or of immemorial Usage: Provided also, that  
nothing in this Act shall extend, or be construed to extend, to invalidate  
the legal Rights, Jurisdictions, and Privileges, which now belong to, and  
are enjoyed by the Commissioners of the Land Tax of the Western  
District of *Fife*, Trustees of the High Roads or Ways of the said County,  
or of any Incorporations, or Chartered Bodies or Companies, in and be-  
longing to the said Burgh.

**XCVII.** And



Public Act. XCVII. And be it 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.

Commence-  
ment of Act. XCVIII. And be it enacted, That this Act shall commence on the First *Wednesday of June* One thousand eight hundred and eleven.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.