



ANNO QUINQUAGESIMO OCTAVO

GEORGH III. REGIS.

Cap. lix.

An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other Public Places and Passages of the City of *Aberdeen*, and the Roads and Avenues within the Freedom and Royalty thereof; and for supplying the Inhabitants of the said City with Water.

[23d May 1818.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for the better paving, lighting, cleansing, and otherwise improving the Streets, Lanes, and other Public Passages of the City of Aberdeen, and the Roads and Avenues within the Royalty thereof; for the better supplying the Inhabitants with fresh Water; and for removing and preventing all Obstructions and Annoyances within the said City and Royalty*: And whereas by the due and faithful Execution of the said Act, and the just and regular Application of the Assessments thereby imposed and levied, great Benefits have been derived to the said City and Inhabitants thereof: And whereas the said Act has expired, and it would be of essential Importance, and tend to promote the Security, Comfort, and Convenience of the said Inhabitants and the Public, if further Provision were made for the several Purposes mentioned in the said Act, and Power given for establishing a more enlarged System of Police, and maintaining a regular Patrol or Nightly Watch for the Protection and Security of the said City and In-

[Local.]

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habitants

habitants thereof; but as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Fourteen Persons herein-after named and appointed, and the several Persons from Time to Time chosen and appointed Commissioners in Manner herein-after directed, or the Quorum of them after-mentioned, shall be and they are hereby authorized and empowered, from and after the passing of this Act, to cause all or any of the Roads, Avenues, Streets, Lanes, and other Public Passages within the said City and Royalty, or any Part or Parts thereof, to be new paved or repaired; and for that Purpose may cause to be dug, carried, or carted out of or brought into the same, such Gravel, Stones, and other Materials as they shall judge necessary; and may also cause the Ground thereof to be raised or lowered, and the Course of the Channels running in or through the same to be turned or altered, and Common Sewers to be made and constructed, in such Manner and Places as they shall think proper, but so as not to prove injurious to any Person's private Property without sufficient Indemnification being made to him, her, or them, in Manner as herein-after provided; and likewise shall and may cause to be purchased and erected such additional Number of Lamps, Lamp Irons, Posts, and other Appurtenances of the same, as they shall judge to be necessary for the proper and sufficient lighting of the said Streets, Lanes, Passages, and other Places of the said City and Royalty; and to employ or contract with any Person or Persons for providing and maintaining the Whole of the Public Lamps, and for furnishing Oil and other Materials thereto, and lighting of them from Time to Time, as they shall judge expedient; and also to direct and appoint to what Places the said Lamps shall be affixed, the Number of Nights in each Year, and at what Hour they shall all be lighted, and for what Time they shall continue burning; and further, that the said Commissioners shall and may cause the whole Leaden or other Pipes or Conveyances which now lie, or shall be laid by their Direction, for bringing Water into the said City, and the Fire Cocks in the different Parts thereof, to be continued or taken up, and new laid or altered in such Places, Manner, and Form, as they shall deem best, and that they may likewise cause all or any of the said Roads, Avenues, Streets, Lanes, and Public Passages, and all Posts or Rails, Incroachments and Obstructions of every Kind therein to be removed; and they are further hereby empowered from Time to Time, during the Continuance of this Act, to direct, order, and appoint, all Matters and Things respecting the paving, lighting, cleansing, watching, and improving the said Roads, Avenues, Streets, Lanes, and other Public Passages, and the providing, collecting, supplying, and distributing of Water to the Inhabitants of the said City, and to the Fire Cocks situated or which may be placed or fixed by Direction of the said Commissioners in the different Parts thereof; with full Power also to the said Commissioners to nominate and appoint Treasurers, Clerks, Collectors, Scavengers, Lighters of Lamps, Pavours, Keepers of the Fountains, Wells, Watercourses, Powder Magazine, Fire Cocks, and of the Fire Engines belonging thereto, and other Officers and Servants proper and necessary under them, in the Execution of this Act, and at Pleasure to remove and displace them or any of them respectively; and also to limit and appoint reasonable and adequate Salaries, Wages, and other Allowances to be made and paid to such

Commis-
sioners.

Streets to be
paved.

Water Pipes
to be regu-
lated.

Officers to
be appointed.

such Officers and Servants, and to make such Orders, Rules, and Regulations, as the Nature of each particular Service shall seem to them to require, and they shall deem expedient; and from Time to Time to vary, alter, or revoke any of the said Rules and Regulations, and to do such other Acts and Things as to the said Commissioners or the Quorum of them after-mentioned shall appear proper and necessary for putting this Act in Execution: Provided always, that all and every Officer and Officers, Servant or Servants (other than Labourers) who shall be employed under the Powers given by this Act, shall before his or their Admission into such Office or Service, give such Security or Securities for the due and faithful Performance thereof, as the said Commissioners shall think just and reasonable.

II. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland*, by summary Complaint.

Same Person not to act as Clerk and Treasurer.

III. And be it further enacted, That *John Ewen*, Merchant; *William Forbes*, Esquire, of *Echt*; *Alexander Dingwall*, *John Collison*, *Alexander Pirie*, *George Innes*, *Robert Gibb*, *John Booth Junior*, Merchants; *Andrew Jopp*, Advocate; *Robert Harvey* of *Braco*, and *Colin Innes*, Land Surveyor, all in *Aberdeen*, shall be and they are hereby empowered and required, within One Calendar Month after the Commencement of this Act, to meet and convene in such Place within the said City, and on such a Day at Twelve of the Clock at Noon, as they shall appoint, to cause to be made up by Two indifferent Persons to be chosen by them, not receiving any Salary, or holding any other Place of Emolument or Profit under this Act, a fair and equal Rent Roll of all the Dwelling Houses, Shops, Cellars, Warehouses, and other Buildings within the said City and Royalty, actually occupied and possessed at the Time by any one Person, which shall be estimated at or above Two Pounds Sterling of yearly Rent, with the Names and Designations of the Occupiers and Possessors thereof; which Rent Roll or Valuation shall and may be examined, corrected, and adjusted, as to the said *John Ewen*, *William Forbes*, *Alexander Dingwall*, *John Collison*, *Alexander Pirie*, *George Innes*, *Robert Gibb*, *John Booth Junior*, *Andrew Jopp*, *Robert Harvey*, and *Colin Innes*, may seem proper and equitable, so as to render the same a fair, equal, and impartial Roll of the real Rents of the said Dwelling Houses and other Buildings aforesaid; and that the said Roll, after being so examined, adjusted, and authenticated by them, is hereby declared and appointed to be the Rule for ascertaining and determining the Qualifications, not only of the Persons entitled to elect the First Commissioners under this

Committee for making up the First Rent Roll of Houses, &c.

Rent Roll to be the Rule for determining the Electors and

Act,

Commissioners Qualifications, and the Amount of House Rents.

Act, but also of the said Commissioners themselves as after mentioned, as well as for laying on and levying the Rate of Assessment hereby authorized to be raised for the Year then current, and as such the said Rent Roll shall be patent and open to the Inspection of all Persons liable in the said Assessment, but declaring that before completing or authenticating the said Rent Roll, printed Notices specifying the Amount of Rent on which each Person is to be assessed shall be left at the Dwelling House, Shop, or Warehouse of each Person so to be assessed, specifying the Time and Place at which the Commissioners are to meet for completing or authenticating the said Rent Roll, in order that all Persons may have an Opportunity of appealing against the Assessment to be imposed on the Rents stated in the said Roll, and which Meeting of the Commissioners for completing and authenticating the same shall be held not sooner than Eight Days after the Date of such Notices, with full Power to the said Commissioners to hear and determine finally on the said Appeals, in such Manner as to them may appear most equitable.

Qualification of Electors and Commissioners.

IV. And be it enacted, That all Persons assessed in the Sum of Five Pounds Sterling of yearly Rent in the Rent Roll to be prepared and authenticated as aforesaid, shall be qualified as Electors to elect and nominate Commissioners under this Act; and all Persons assessed in the said Rent Roll, in the Sum of Twenty Pounds Sterling, shall be qualified to be elected, and to act and officiate as Commissioners under and by virtue of this Act.

City divided into Wards.

V. And be it enacted, That for the more effectual Execution of the Powers hereby granted, the said City shall be divided into the Four Wards or Quarters specified in the Rent Roll made up by the Commissioners under the Authority of the said recited Act of the Thirty-fifth Year of His present Majesty, for the last and previous Year, called the *Even Quarter*, *Footdee Quarter*, *Crooked Quarter*, and *Green Quarter*; and that these shall comprehend the Streets, Lanes, and other Passages at present set apart thereto, or any other Streets, Lanes, or Passages which may be opened and made out in the said Quarters, during the Continuance of this Act.

Commissioners ex officio.

VI. And be it enacted, That the Provost, Treasurer, and Dean of Guild, of the said City for the Time being, shall be and they are hereby appointed Commissioners in virtue of their respective Offices; and in case of the Absence from the said City of any One or more of them, then and in such Case, the Three Senior Bailies also for the Time being, according to their respective Seniorities, are hereby authorized to act in the Place and Stead of the said Commissioners, or of such of them as shall be so absent from the said City; and that there shall be Three Commissioners for each of the following Quarters; namely, the *Even Quarter*, the *Footdee Quarter*, and the *Green Quarter*, and Four Commissioners for the *Crooked Quarter*, who shall be qualified, elected, and chosen in the Manner herein mentioned.

Mode of Election of First Commissioners.

VII. And be it enacted, That the Election of the said Commissioners shall be made as follows, *videlicet*, the said *John Ewen*, *William Forbes*, *Alexander Dingwall*, *John Collison*, *Alexander Pirie*, *George Innes*, *Robert Gibb*, *John Booth Junior*, *Andrew Jopp*, *Robert Harvey*, and *Colin Innes*, shall, within

within Fourteen Days preceding the First *Tuesday* in *July* One thousand eight hundred and eighteen, cause, prepare, and circulate, from the Rent Roll to be made up by them as aforesaid, a List of the whole Persons qualified to elect and be elected Commissioners within the whole and each of the Quarters above mentioned; and the Votes for the whole Commissioners to be elected under this Act shall be given in each Ward or Quarter separately, by Notes or Ballots written or subscribed by the whole Electors of the said City, in the proper Handwriting of each, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of the whole Thirteen Persons voted for, which shall be put into Boxes provided for the Purpose, on the Day appointed for each Election, which Boxes the said several Persons above named, and thereafter the Commissioners to be elected and chosen under this Act, shall and they are hereby authorized and required to provide, in such Form as to them shall seem expedient, and to put up One of these Boxes in such public or conspicuous Place in each Quarter, as to them shall seem proper; and of the Places where the said Boxes are put up or deposited, the said Commissioners shall give not less than Three Days previous Notice by Tuck of Drum, in order that all concerned may have Access to put their Notes or Ballots into the same, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon of the Day of Election; at which last Hour the Election shall be closed, and the Boxes removed to the public Court House of the said City, and afterwards opened by the said several Persons before named, or any Three of them, in Presence of a General Meeting of the Electors to be then and there held; at which Meeting, consisting of not less than Twenty-one Electors, exclusive of the said several Persons above named for the First Year, and the Commissioners thereafter to be elected under this Act for the following Elections, Four Persons shall be chosen by the said Electors for the Purpose of acting along with the said Commissioners as Scrutineers of the said Notes or Ballots; and the Lists made up by the said Commissioners and Scrutineers shall, together with the Notes or Ballots, be preserved and held and considered as the Rule by which the Election shall be determined and Vacancies supplied, in Manner hereinafter mentioned; and in the Event of a Number less than Twenty-one exclusive of the said Commissioners, not attending the said General Meeting, or in case of no Person exclusive of the said Commissioners attending the same, the said Commissioners shall have Power to proceed to scrutinize the said Lists and to declare the Election; and the Commissioners so elected and chosen shall be and they are hereby nominated and appointed to be Commissioners and Trustees for putting in Execution this present Act for the Space of Two Years from and after the Date and Period of their said Election: Provided always, that the Ballots or Notes to be made up by Electors as aforesaid shall specify and contain the proper Number of Persons resident in each Quarter proposed as Commissioners according to the Numbers and Proportions herein-before specified: Provided also, that the said Thirteen Commissioners, after being so first elected and chosen, shall be and they are hereby authorized to choose their own Preses and Clerk, along with other necessary Officers and Servants as aforesaid; declaring also, that the said several Persons above named shall, at their different Meetings to be held under this Act, have Power to name a Preses or Chairman: Provided always, that if at any such Meeting any One or more of the said Official Commissioners shall be present, such One, or the Senior of such Commissioners, shall be Preses or Chairman.

[Local.]

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VIII. And

Second Election of Commissioners.

VIII. And be it also further enacted, That upon the Expiration of the said First Period of Two Years, and at the End of every Two Years thereafter, during the Continuance of this Act, upon the said First *Tuesday* in *July* in every Second Year (upon Fourteen Days previous Notice and Advertisements in the *Aberdeen* Newspapers, to be given by Direction of the said Commissioners), a new Election of Commissioners shall take place, by the Persons and in the Manner herein-before prescribed, of Nine Persons, Two of whom shall be chosen from each of the *Even*, *Footdee*, and *Green Quarters*, and Three from the *Crooked Quarter*.

Election of future Commissioners.

IX. And be it enacted, That the said Nine Persons, along with Four of the Commissioners then in Office for the preceding Year, who shall be chosen and elected by the Votes and Determination of the Commissioners in Office, in virtue of the First Election, consisting in the Whole of Thirteen in Number, so to be at first and afterwards biennially elected and chosen, during the Continuance of this Act, upon the First *Tuesday* in *July*, or any Five of them (who are hereby declared to be a *Quorum*), shall be and they are hereby nominated and appointed the Commissioners and Trustees for putting this Act and every Part thereof in Execution, during the respective Periods for which they shall be so chosen: Provided always, that the Persons chosen by the Commissioners to remain in Office shall be elected for the different Quarters in the Proportion fixed by this Act.

Nine Commissioners to be chosen every Two Years.

X. And it is hereby further enacted, That the Period of every Return of the general Election of the said Nine Commissioners shall be at the End of Two Years from the Date of the preceding Election; at which returning Period of Two Years, during the Continuance of this Act, Four of the Commissioners acting for the preceding Year shall remain in Office, and, with the Nine other Commissioners to be then newly chosen, shall continue to act as Commissioners and Trustees for the succeeding Period of Two Years: Provided always, that the said Four Commissioners elected to continue in Office shall invariably be of the Number of those Nine Persons who shall have been elected in the general Meeting Two Years before, and that they shall be chosen to continue in Office by the collective Body of the other Commissioners, by signed Lists, to be given in by a Majority of them to their Preses or Clerk Fourteen Days previous to the then next General Meeting for Election, so as to preserve the stated and due Proportions for each Ward or Quarter as fixed by this Act, and as nearly as possible, an equal Rotation in Duty; Provided also, that the whole of the said Commissioners and Trustees shall be obliged to accept and act in the Execution of the Duty and Trust hereby committed to them, under the Forfeiture and Penalty of Ten Pounds Sterling, to be paid by each of them declining or refusing for the First Time to accept and act, to be disposed of and applied to the Purposes hereof, but that the said Penalty shall be only once exigible from those so refusing to act; and that no Person shall be obliged to accept or act as a Commissioner under this Act during the Time he shall hold the Office of a Magistrate, or be a Member of the Town Council of the said City; neither shall any Person be obliged to act as a Commissioner for any longer Period at one Time than for the Space of Four Years successively: Provided further, that in case of the Death, Refusal, or Resignation of any of the said Commissioners, it shall and may be lawful to and for the others remaining in Office to elect for the respective Wards or Quarters any one or more Commissioners,

The Four old Commissioners continued in Office to be elected by the collective Body of the Commissioners themselves.

Commissioners obliged to accept and act under a Penalty, to be only once exigible.

No Magistrate or Counsellor obliged to act as a Commissioner.

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

Commissioners, qualified as aforesaid, having the greatest Number of Votes next to those chosen at the preceding Election in the List, to be kept and authenticated as aforesaid for the different Quarters above mentioned; and which Commissioners so nominated to supply Vacancies occasioned by Death, Refusal, or Resignation, shall continue in Office and supply such Vacancies, until the next ordinary Day for the General Election of Commissioners for the Execution of this Act.

XI. And be it enacted, That the said Commissioners shall have full Power and Authority to meet in such Places and at such Times, in relation to the Execution of this Act, as they shall appoint, within the said City, upon a printed or written previous Notice of Twenty-four Hours, to be given by Order of their Preses, or in case of his Refusal to give such Order, by Direction of any Two or more of the said Commissioners; and that the said Preses for the Time being shall, in all Cases and at all Meetings, when present, preside, and in case of his Absence they shall have Power to elect another in his Place; and at every Meeting the Preses or Chairman, beside his own Vote in common with the others, shall, in case of Equality of Votes, have a casting or decisive Voice in all Matters and Questions that shall happen to be agitated and come before the said Commissioners in the Execution of this Act.

Notice of Commissioners Meetings to be given.

XII. Provided always, That no Commissioner shall be capable of acting in any Case in the Execution of this Act, unless at some Public Meeting to be held in virtue thereof, or in consequence of the Order and Appointment of such a Meeting; and that no Person, during the Time he shall be a Commissioner under this Act, shall be capable to make or have any Share in any Contract, or to enjoy any beneficial Employment under this Act.

Commissioners not to act where interested.

XIII. And be it further enacted, That after the said First Election of Commissioners in Manner above mentioned, the Commissioners for the Time being during the Continuance of this Act shall and they are hereby authorized and required, annually, some Time during the Month of *August*, to cause to be made up, by Two Persons not receiving any Salary or holding any other Place of Emolument or Profit under this Act, a similar fair and equal Rent Roll, as has been already described, of all the Dwelling Houses, Shops, Cellars, Warehouses, and other Buildings within the said City or Royalty, actually occupied and possessed by any one Person, Company, or Copartnership, and subject to the Assessment after mentioned, with the Names and Designation of the Occupiers and Possessors thereof; which Rent Roll or Valuation so to be annually prepared and made up as aforesaid, after being examined, adjusted, and authenticated by the Signatures of the said Commissioners or their Quorum, (and which they are hereby required to do before the End of each Month of *August* annually,) shall be and the same is hereby declared and appointed to be the Rule for ascertaining and determining the Qualifications not only of those entitled to elect, but also of the Persons who shall be entitled to be elected Commissioners for putting this Act in Execution, as well as the Rate and Amount of the Assessment to be laid and imposed upon the several Occupiers and Possessors of Dwelling Houses and other Buildings aforesaid, in Manner after mentioned; declaring further, that before completing or authenticating the said Rent Roll, printed Notices for the different Persons therein included shall be left for them, in order that he, she, or they may have an Opportunity of appealing against the same in Manner before directed.

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

Qualifications of Electors and Commissioners, and the Annual Assessments, to be ascertained by the Rent Roll, &c.

XIV. And

Quarterly Meetings to be held.

XIV. And be it enacted, That Four Quarterly stated General Meetings of the said Commissioners in the Year shall be held during the Continuance of this Act within the ordinary Court House of the said City, or in such other Place within the said City as they shall from Time to Time appoint, and which they are hereby required to appoint and publish in the *Aberdeen Newspaper* or Newspapers; *videlicet*, upon the Second *Tuesday* in *September*, the Second *Tuesday* in *December*, the Second *Tuesday* in *March*, and the Second *Tuesday* in *June* annually, at Twelve of the Clock at Noon, for putting this Act and the Powers hereby committed to them in Execution, beginning the first of the Quarterly Meetings upon the Second *Tuesday* in *September* One thousand eight hundred and eighteen; and that the Preses for the Time being, or in the Event of his Death or Absence, the Clerk of the said Commissioners, shall cause the Whole of the said Commissioners to be summoned to attend the said Quarterly Meetings, by written or printed Notices or Summonses to be given them personally, or left at their Dwelling Houses, at least Twenty-four Hours previous to the Time of the said Meetings.

Commissioners may adjourn Quarterly Meetings.

XV. And be it enacted, That the said Commissioners, or a Majority of them present at such Quarterly Meetings, may from Time to Time adjourn themselves to the same or any other Place within the said City, as they may think proper or necessary, for executing the Powers vested in them by this Act; and that the Clerk of such Commissioners shall give written or printed Notices to each of them of such adjourned Meetings, in the same Manner as is required by this Act for the Quarterly Meetings.

Other Meetings may be appointed.

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

Proceedings to be entered in Books.

XVII. And be it further enacted, That all and every Act and Acts of the said Commissioners shall be entered in Books to be kept for that Purpose by their Treasurer or Clerk, which, and all other Books and Entries respecting the same, or that contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every Public Meeting, and shall be signed by the Preses of the said Meetings; and such Entries shall be held and taken to be the original Orders and Proceedings of the said Meetings, and such Books shall and may also be produced and taken in Evidence in all Courts whatsoever; declaring hereby, that the Accounts applicable to the Receipt and Expenditure of the Assessment authorized to be levied for defraying the Expence of a Nightly Patrol or Watch, shall be kept separate and distinct from the other Accounts to be kept and rendered by the said Commissioners.

Cisterns, Pipes, Lamps, &c. vested in the Commissioners.

XVIII. And be it also enacted, That all the Springs, Watercourses, and other Supplies of Water, Fountains, Wells, Cisterns, Reservoirs, Leaden and other Pipes or Conveyances of fresh Water, together with the Fire Cocks, Fire Engines, and Appurtenances thereof, and also the
Lamps,

Lamps, Lamp Irons, Posts, and other Appurtenances of the same, formerly under the Management of the Commissioners acting under the before-recited Act of the Thirty-fifth Year of the Reign of His Majesty, together with all other Fountains, Wells, Cisterns, Reservoirs, Leaden and other Pipes or Conveyances, Fire Cocks, Fire Engines, and all other Lamps, Lamp Irons, Posts, and whole Appurtenances of the same, which shall be afterwards purchased and procured by the Commissioners elected in pursuance of this Act, with the Powder Magazine, shall be and the same are hereby vested in the said last-mentioned Commissioners during the Continuance of this Act only; and that the same shall be used and employed to and for the Service and Purposes herein mentioned, and none other.

XIX. And be it further enacted, That the Commissioners under this Act are and shall be authorized and empowered to hold, preserve, and use, for the Purpose of supplying the said City and the Inhabitants thereof with fresh Water, all such Springs, Watercourses, and other Supplies of Water which the said Commissioners under the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty, or the said City or Inhabitants, possessed and were vested in by virtue of the said Act, or any Charters, Grants, and original Titles, or by immemorial Possession, as Parts and Pertinents of the same, with the like Liberties, Privileges, and Servitudes, during the Period and Continuance of this Act, upon the Grounds where any of the said Springs, Fountains, and Watercourses of any Kind are situated or laid down, as the Magistrates and Town Council and Community, or Inhabitants of the said City, are at present entitled to and enjoy, in every respect; and to convey and distribute the Water into the several Streets, Lanes, Ways, Avenues, and Passages of the said City; and as often as there shall be occasion for so doing, to cleanse, mend, and repair the said Pipes and Watercourses, and to erect such and so many Wells, Fountains, Filtering Machine or Machines, and other Engines, within the said City and Royalty, as the said Commissioners from Time to Time shall think necessary for the collecting, purifying, preserving, and effectually distributing the said Water, according to the true Intent and Meaning of this Act.

Preserving
Rights of
Commission-
ers and Inha-
bitants to
Springs.

XX. And whereas it would be advantageous to the Inhabitants of the said City if an additional Supply of Water was obtained for the Use of the Inhabitants of the said City; be it therefore further enacted, That it shall and may be lawful to and for the Commissioners, by themselves; their Officers, Agents, Servants, and Workmen, to make, complete, and maintain Waterworks, Aqueducts, Pipes, and other Works from the Rivulet of *Rubislaw*, necessary for the Purpose of supplying the said City with Water, and to make, erect, and set up such and so many Sluices, Engines, and other Machines for supplying the said Waterworks with Water, and for any other Purposes for the making, maintaining, and using of such Waterworks, as the said Commissioners shall from Time to Time think proper and expedient; and it shall and may be lawful for the said Commissioners, and to and for their Agents, Officers, Workmen, and Servants, to dig and break up the Soil and Pavement of any of the Roads, Highways, Footways, Streets, Lanes, Passages, and public Places within, adjacent, and near unto the said City, and to sink and lay Pipes, Trunks, and other Conveniences for the Purposes aforesaid, and do all such Matters and Things as the said

Power to
bring Water
from Rivulet
of Rubislaw.

[Local.]

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Commissioners

Commissioners shall from Time to Time and at any Time think necessary and convenient for completing, amending, repairing, improving, and using the Works hereby authorized to be done, provided, and maintained, and all such Works as have heretofore been made for supplying the said City with Water, according to the true Intent and Meaning hereof; and the said Commissioners are hereby empowered to make such Engines and other Works, and all such Cisterns, Ponds, Basins, Main Pipes, Feeders, and Pumps, as the said Commissioners shall think requisite for the several Purposes aforesaid, in Manner by this Act directed; and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same; they the said Commissioners, their Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making full Satisfaction for any Damages to be thereby occasioned.

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

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

Commissioners to make the Tunnel notwithstanding Errors.

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

Houses, &c. not to be injured.

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

XXIV. And be it further enacted, That if any Person shall wash any Dog or other Animal, or any Cloth, Wool, Leather, or the Skins of any Sheep, Lamb, or other Animal, or any noisome or offensive Thing, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, in any Reservoir or Aqueduct, Tunnel or Waterway, made or to be made for supplying the said City or any Part thereof with Water, or cause or suffer the Water of any Sewer or Drain to run or be conveyed into any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Waterway, or cause any other Annoyance to be done to the Water contained in any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Waterway, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, corrupted, or injured, then and in each and every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds Sterling, to be recovered in Manner herein directed.

For preserv-
ing the Water
clean and
wholesome.

XXV. Provided nevertheless, and be it further enacted, That Indemnification shall be previously made and given to the Owner or Owners, and Occupier or Occupiers of all such Springs and other Supplies of Water as shall be so taken and used, and of the Grounds in which the said Pipes for conducting thereof shall be laid down, or where Cisterns or any Filtering Machines shall be built, and other Persons having an Interest in the Premises, for the Value of the said Springs of Water, and of all Damages that shall be done to the said Grounds, as well by the first laying down of the said Pipes and building of the said Cisterns or Filtering Machines, as by the after cleansing, mending, and repairing the same: Provided always, that nothing in this Act contained shall extend or be construed to extend to deprive the Inhabitants of the said City of any Claim or Right competent to them, for being supplied with Water, under or by virtue of any Charters, Grants, Titles, Usage, Possession, or other Rights and Interests of the said City respecting the same; and that all such are and shall be reserved entire, in the same Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

Satisfaction
to be made to
the Owners of
Springs, &c.

XXVI. And be it enacted, That it shall and may be lawful to and for the said Commissioners to supply and distribute Water to such of the Inhabitants as shall be disposed to receive the Benefit thereof, by private Pipes and Cisterns into their own Houses; and they are hereby authorized to demand and receive such a Sum as shall be fixed and agreed upon betwixt them and the Persons who shall apply for and obtain the Benefit of such private Pipes: Provided always, that the said Commissioners shall be liable in the whole Expences and Damages which may be incurred in laying down or conducting the same in any of the Roads, Streets, Avenues, Lanes, or Passages comprehended in this Act.

Supplying
Houses with
Water.

XXVII. And whereas the Spring called *Gilcomston Spring* was by the said recited Act vested in the Commissioners thereby appointed, and has ever since been used by them, and it would be attended with great Utility and Advantage to the Inhabitants of the said City, if the same were exclusively vested in the Commissioners appointed by this Act, for the Use of the Community; be it therefore enacted, That the Distribution and Supply of Water into the Houses of the Inhabitants by private Pipes as

Supply of
Houses not
to be made
from the
Springs now
in use.

as
aforesaid

aforesaid shall in nowise be drawn from the Springs and Fountains at present used, or which may be hereafter brought in and used, for supplying the Inhabitants by means of public Wells in the public Streets or Lanes, or in any respect prove injurious to or diminish them; but that the Springs and Fountains from which the said City and Inhabitants are at present supplied with fresh Water are and shall be unalienable to any other Service or Purpose, except for the Supply of the said public Wells only; and that the said Commissioners are and shall be empowered to order and direct such a Number of new and additional public Wells, and such Reservoirs and Filtering Machines, to be supplied as aforesaid, to be erected in the present Streets and Lanes, as well as in any new Streets, Lanes, and Squares which may be afterwards opened and made, as they shall deem necessary; and the said Commissioners are hereby empowered and required to carry the Supply of Water as aforesaid to the utmost Extent of which it is capable in its Distribution for the Service of the said public Wells; declaring, that the Spring called the *Gilcomston Spring*, and all the whole other Springs and Fountains from which the said City and Inhabitants now are or may hereafter be supplied with Water, shall be and the same are hereby exclusively vested in the said Commissioners, for the Use of the Community; and that it shall not be lawful to, nor in the Power of any Corporation, Company, or Individual whatever, to divert the Course of the said Springs, or to do or perform any Act or Operation thereon, by the Establishment of Bleachfields, or Manufactories for bleaching, distilling, brewing, or any other Purpose whatever, which may have the Effect of diverting, diminishing, or injuring the Water, or deepening or altering the Levels of the said Springs or Fountains in any manner of way; and in case of such Act or Operation, the said Commissioners shall have Power to apply by summary Complaint to the Sheriff Depute or his Substitute of the County of *Aberdeen*, who shall have Power to award such a Penalty or inflict such Punishments as he may see proper, and whose Judgment shall be final, and not revocable by Bill of Advocation, Suspension, or otherwise.

Ships not to be supplied without Permission.

XXVIII. And be it further enacted, That it shall not be lawful for Shipmasters, or others having the Charge of Ships or Vessels at the Quays, to supply the same with Water for the Purposes of a Voyage from any of the Wells, Springs, or Reservoirs vested in the said Commissioners, without Permission first asked and obtained from them, under a Penalty not exceeding Five Pounds Sterling, to be recovered by summary Complaint in the Name of the Treasurers of the said Commissioners to any of the Magistrates or Justices of the Peace for the said Town or County of *Aberdeen*.

Commissioners may contract for laying Pipes and paving of Streets.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or a Quorum of them, and they are hereby authorized and empowered, to contract with any Person or Persons for laying Pipes for carrying and distributing the said Water, erecting Wells, Fountains, Cisterns, Reservoirs, or Filtering Machines, and for maintaining the same; and also for conducting and working of the said Fire Cocks and Fire Engines, and for paving, lighting, and cleansing the Roads, Avenues, Streets, Lanes, and other Public Passages within the said City and Royalty; and that such Contract or Contracts shall be signed by the Preses and Clerk in the Name of the Meeting at which the said Agreement or Contract shall be made and entered into.

XXX. And

XXX. And be it also enacted, That no such Contract or Agreement shall be entered into by the said Commissioners for the Performance or Execution of any of the aforesaid Works, until after Twenty-one Days previous Notice shall have been given in the *Aberdeen* Newspapers, desiring Persons to give in signed Proposals for paving, lighting, and cleansing the said Roads, Avenues, Streets, Lanes, and Public Passages, and laying, building, and maintaining the said Pipes, Wells, Fountains, Reservoirs, and Filtering Machines; and that the said Commissioners shall accept of and contract with the Persons whose Proposals shall appear to them to be most reasonable and beneficial; and to defray the Expences to be incurred by such Contracts out of the Monies to be raised for the Purposes of this Act.

Notice of entering into Contracts.

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

If Works are not completed by 1st Jan. 1820, Powers of Act to cease.

XXXII. And whereas many of the Roads, Avenues, Streets, Lanes, and other Public Passages within the said City and Royalty are still too narrow, as well as very indirect and incommodious, and in some Parts obstructed by Projections thereon; and it will be attended with great Utility and Advantage to the Public in general, and to the Inhabitants of the said City in particular, if the said Roads, Avenues, Streets, Lanes, and other Public Passages were enlarged, altered, and improved, and all Obstructions thereon removed and prevented; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, during the Continuance of this Act, to cause all or any of the said Roads, Avenues, Streets, Lanes, and other Public Passages to be enlarged, widened, or altered; and also to cause any new Streets, Lanes, or other Public Passages that may be hereafter opened and laid out in the said City and Liberties, to be cleansed, lighted, and watched, and supplied with Water, in such Manner as they shall think proper; and the said Commissioners may and shall cause to be removed from the said Streets, Lanes, Roads, and other Public Passages, all Outer Stairs or other Encroachments and public Nuisances upon the same; and for these Purposes that they are and shall be empowered, by private Treaty and Agreement with the respective Owners, Proprietors, or Occupiers, to purchase such Grounds, Houses, and Tenements, or such Part of the same as shall be necessary for enabling them to make the said Enlargements and Alterations of Roads and Streets.

Streets to be widened, and new ones opened.

XXXIII. And be it further enacted, That the said Commissioners are and shall be authorized and empowered to disburse and pay out of the Monies to be raised by virtue of this Act, not only the agreed Price of the said Grounds, Areas, Houses, Tenements, and other Buildings that may happen to be so purchased by them for the Purposes aforesaid, but also the Expence of making out and completing the said Roads, Avenues, Streets, and other Public Passages, after being so enlarged, altered, or opened, and laid out as above mentioned.

Price of Grounds and Expence of making out new Streets, &c. to be paid out of the Monies raised by this Act.

[Local.]

15 H

XXXIV. And

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

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

In case of not
agreeing, a
Jury to be
summoned.

XXXV. And in case it shall happen that the said Commissioners and the Proprietors or Occupiers of such Grounds, Houses, or Areas, or Springs, Fountains, or Ground through which Pipes may be taken from the same, or Reservoirs or Filtering Machines connected therewith, and other Persons having an Interest in the same, as may be deemed necessary for the Purposes of this Act, cannot agree by private Treaty concerning the Price or Consideration to be paid for such Grounds, Houses, or Areas, Springs, Fountains, or the Damage done to any Grounds through which Pipes may be taken, or any Part thereof; or in case such Proprietor or Occupier shall be absent, or cannot be found, or shall refuse or delay after Twenty-one Days Notice to enter into an Agreement for the Sale of such Ground, Houses, or Areas; in every such Case, be it enacted, That it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered, to apply to the Sheriff Depute of the County of *Aberdeen*, or his Substitute for the Time being, who are hereby empowered and required to issue his Precept according to the Practice of the Sheriff Court for the Attendance of all such Person or Persons as either Party may deem necessary, as a Witness or Witnesses, and also to summon and impanel not less than Fifteen nor more than Twenty discreet, substantial and disinterested Persons, to appear at such Time and Place as shall be appointed by them, and of which the Parties interested shall have due previous Notice, and out of them to name and appoint a Jury of Seven Persons, to come and appear before him at such Time and Place as by his Warrant or Precept shall be directed, and to receive such Evidence as shall be by either Party brought before him and the said Jury, and that upon Oath, touching the just and true Value to be paid for such Grounds, Houses, or Areas, or for the Loss or Damage which the Proprietors or Occupiers, or other Persons having an Interest in the same, may suffer, as the Case may be; which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute or his Substitute are hereby required and authorized to administer; and that the Verdict of such Jury, to be returned upon Oath,
shall

shall be final and conclusive: Provided always, that the Parties shall and may have their lawful Challenges against any of the said Jurymen when they come to be sworn.

XXXVI. Provided always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers, shall have required, the Expence of such Jury, and all Expences connected therewith, shall be defrayed and borne by the said Commissioners, and such Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners; and in case the said Jury shall award the Sum offered by the said Commissioners, or a less Sum, the whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers; and in all Cases where any Person or Persons shall by reason of unavoidable Absence be prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners.

Expence of
ascertaining
Value by
whom to be
paid.

XXXVII. And be it enacted, That the said Sheriff Depute or his Substitute shall have Power from Time to Time to impose any reasonable Fine, not exceeding Five Pounds Sterling, on any of the Persons who shall be summoned and returned on any Jury or Juries, who shall not appear, or who shall refuse to be sworn (or being Quakers to affirm) on the said Jury or Juries, or being so sworn shall not give his or their Verdict; and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or refuse to be sworn (or being Quakers to affirm), or who being sworn, shall refuse to give his, her, or their Evidence; and from Time to Time summarily to levy such Fine or Fines, by Distress and Sale of the Offender's Goods, with the reasonable Charges of the Distress and Sale, returning the Overplus (if any be) to the Owners; all such Fines to be applied for the Purposes of this Act.

Penalty on
Jurymen and
Witnesses not
appearing.

XXXVIII. And be it further enacted, That the said Sheriff Depute or his Substitute shall be and they are hereby authorized and required, upon such Verdict being returned as before mentioned, to pronounce Judgment for the Payment of such Sum or Sums of Money as shall be so awarded by the said Jury, and to decern and ordain the Owners or Proprietors and Occupier or Occupiers, or other Persons having an Interest in such Grounds, Houses, and Areas, or any Part thereof, or their Trustees, Tutors and Curators or Administrators, (upon Payment or Consignation, with the Approbation and by Warrant of the said Sheriff, into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, of the said Sum or Sums of Money so to be awarded by the said Jury), to permit and allow the said Commissioners under this Act, or the Workmen to be employed by them, quietly to enter into and take Possession of the said Grounds, Houses, and Areas, and take down and remove the said Houses or other Buildings, or any Parts thereof, as the Case may happen, to be used or employed by them for the Purpose of widening or altering any of the said Roads, Streets, Avenues, Lanes, and other public Passages within the said City and Royalty; and that the Judgment or Decree to be pronounced by the said

Sheriff em-
powered to
decern the
Proprietors
and Occu-
piers of
Grounds,
Houses, &c.
upon Pay-
ment of the
Price to be
awarded by
the Jury, to
permit the
Commission-
ers to enter
to the Posses-
sion of such
Subjects.

Sheriff

Sheriff Depute or his Substitute upon the said Verdict or Verdicts, shall be final and conclusive to all Intents and Purposes whatsoever against such Owners or Proprietors and Occupier or Occupiers and other Persons having an Interest in the Premises; and that the said Judgment or Decree, or Extracts thereof from the Sheriff Court Books of *Aberdeen*, shall be deemed and taken as good and sufficient Evidence and Proof in every Court of Law or Equity whatsoever.

Verdict as to Value of Lands and Damages to be ascertained separately.

XXXIX. And be it further enacted, That the said Jury shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and other Heritages, separately and distinctly from the Consideration of any other Damage sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Application of Compensation Money when exceeding 200l.

XL. 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 Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rent and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing or settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, the same shall be laid out and invested, under the Limitation and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the same Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest and 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, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. Pro-

XLI. 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 the Purposes aforesaid, and belonging to any Corporation, or to any Person 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, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Five Commissioners, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, as far as the Case be applicable.

If under 200l.
and above 20l.

XLII. 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 Commissioners or any Three or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where under
20l.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Control, 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

In case of not
making out
Titles, or if
Persons cannot
be found,
Purchase Money
to be paid
into the Bank.

the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

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

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XLVI. Provided also, and be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or as shall have been ascertained and settled by the Verdict of a Jury, for the Purchase of any such Lands, Springs, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Springs, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for or offered; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same,

same, upon Payment of the same into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, in Manner by this Act directed; then and in all or any of the said Cases, it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, Waters, and other Heritages respectively (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof, signed in Writing, but not otherwise); and then and thereupon such Lands and Grounds, Springs, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in, and become the sole Property of the said Commissioners, to and for the Purposes of this Act, for ever; and which Tender, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided also, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement or other Heritage of the Person or Persons entitled to such Payment or Security, for the Purposes of this Act, without the Leave and Consent in Writing of such Person or Persons respectively.

XLVII. And be it enacted, That after the Purchase of any such Tenements, Houses, Lands, and other Heritages as shall be found necessary for the Execution of this Act, the said Commissioners shall be and they are hereby authorized and empowered to sell by public Auction, for an adequate Price, the Materials of all such Houses and Buildings, and also the remaining Ground (if any), and apply the Purchase Money to and for the Purposes of this Act and none other; and they are hereby authorized and empowered to pay the Purchase Money or adjudged Value of the said Lands, Tenements, and other Heritages out of such Sums as shall be raised for the Purposes of this Act.

Trustees to
sell Materials
and Ground.

XLVIII. Provided always, and be it further enacted, That if any of the said Houses or Buildings or Part thereof, so decreed to be taken down, shall be inhabited at the Time of pronouncing such Judgement, Six Calendar Months as to Dwelling Houses, and Eighteen Calendar Months as to all Manufacturing Houses, shall at least intervene betwixt the Time of pronouncing the said Judgement, and the usual Term of Entry to such Houses then next ensuing prior to the Day that shall be fixed on for taking them down.

Time of tak-
ing down
Houses, &c.
purchased for
the Purposes
of this Act.

XLIX. And be it enacted, That the said Commissioners shall be and they are hereby empowered and required to cause to be laid down upon each Side of every Street and Lane within the said City where the same has not been already done, the Curb or Bord Stone of a Foot Pavement, of such Breadth as the Dimensions of each Street or Lane will admit of, which Curb Stone shall not be less than Five nor more than Six Inches above the Carriage Way of the Street, and laid so as to form a Kennel or Gutter for the Water to run in: Provided, that when the whole Breadth

Foot Pave-
ment to be
laid by the
Inhabitants
opposite their
Houses.

of

of any of the said Streets will not admit of a Pavement being laid on both Sides thereof, the same shall be made out upon any one of the Sides that shall be judged by the said Commissioners to be most commodious and best adapted for the Purpose.

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

L. And be it further enacted, That the Heritors and Proprietors of all Houses and Buildings in the Line of the said Public Streets and Lanes are and shall be obliged to lay down and complete a sufficient Pavement behind the said Curb Stones at their own private Expence, but so as to be uniform and regular throughout each Street or Lane, and that at the Sight and to the Satisfaction of the said Commissioners, or any Two of them; and that if the said Heritors and Proprietors shall fail so to do for the Space of One Calendar Month after the said Curb Stones shall be laid down as aforesaid, then and in that Case the said Commissioners are and shall be authorized and empowered to employ proper Persons to make and lay down the said Foot Pavement in Manner above mentioned; and that an Order or Warrant subscribed by Two or more of their Number is and shall be a sufficient Voucher and Document for ascertaining the Amount of the Expence thereof, and for recovering Payment of such Expence from the Proprietor of the House or Building before which the said Pavement has been laid down; and that in the same Way and Manner, and by the like summary Process, as other Monies due and recoverable under the Authority of this Act are to be raised and levied: Provided always, that no Heritors or Proprietors shall be obliged to lay down at their own Expence such Pavement before their respective Houses or Buildings of any greater Breadth than Three Feet, exclusive of the Curb or Bord Stone, and that the Expence of laying down and completing any Part of the Pavement exceeding the said Breadth of Three Feet shall be paid and defrayed by the said Commissioners out of the Monies to be raised under this Act.

For paving, &c. new Streets.

LI. And be it further enacted, That all new Streets, Lanes, and Public Passages already made, laid out, or opened, and where Two-thirds of the Building Areas thereon are feued out, or as soon as Areas to that Extent are feued out, the same shall be paved by and at the Expence of the Proprietors and Feuars, in Proportion to the Extent of the Front of the Building Area belonging to or occupied by them, and the remaining Part of such Street shall be paved at the Expence of the Proprietor or Proprietors; and all new Streets, Lanes, and Public Passages which shall be made out from and after the passing of this Act by any Company, Corporation, or Individuals, shall be paved in the first Instance by such Company, Corporation, or Individuals, within the Space of Eighteen Months after the same are opened and made out; and after such Streets, Lanes, or Public Passages are so paved, the same shall be lighted, cleansed, and kept in Repair by the said Commissioners under this Act.

Occupiers of Houses and Shops obliged daily to sweep and clean the Foot Pavements along their Property.

LII. And be it further enacted, That in every Street and Lane of the said City where Foot Pavements are or shall be made and laid down, the Persons possessing or occupying Houses or Shops along the Line of such Pavements, shall be and they are hereby obliged and required, to the full Extent of the House or Shop possessed by them, every lawful Day, between the Hours of Seven and Nine in the Morning from the First Day of *April* to the First Day of *October*, and between Eight and Ten
of

of the Clock in the Morning during the Remainder of the Year, to cause scrape, sweep, and clean the said Foot Pavement to the aforesaid Extent; and that if they neglect so to do, they shall for every Offence forfeit and pay a Penalty of Five Shillings Sterling: Provided always, that the Pavements opposite to uninhabited Houses and Closets, or Courts, shall be swept and cleaned by the Scavengers as after mentioned; and provided also, that the said Commissioners shall have Power to contract and agree with Persons occupying Houses and Shops for cleaning their Pavements as aforesaid.

LIII. And be it also enacted, That the Scavengers employed in cleaning the Streets shall not only every lawful Day collect and remove therefrom all Dust, Ashes, Nastiness, Filth, Stones, and Garbage of every Sort which may be found upon the said Streets and Lanes from Six to Nine of the Clock in the Morning, from the First Day of *April* to the First Day of *October*, and from Seven in the Morning to Eleven of the Clock in the Forenoon during the Remainder of the Year; but also shall scrape, rake, sweep, and clean the whole of the said Streets, Closets, Courts, Thoroughfares, and Lanes every lawful Day during the said respective Periods; and that if the Scavengers shall neglect so to do, in that Case it shall be competent to and in the Power of any Inhabitant liable to the Rates imposed by this Act, first to represent such Neglect to the Overseer appointed by the said Commissioners, and if that is disregarded, or the Offence repeated, to notify the same in Writing to the said Commissioners at their First Meeting, or in some Special Meeting to be called for the Purpose by the Clerk to the said Commissioners; and upon Conviction of the Overseer of permitting a Repetition of such Offence, or suffering such Neglect, he shall forfeit and pay for the First Offence the Sum of Five Shillings Sterling, and for every after Offence Ten Shillings Sterling; or in case the Scavengers shall happen to be convicted of such Offence, each of them shall for every Offence forfeit a Sum not less than Two, and not more than Three Days Wages payable to them at the Time, or be dismissed, as the Commissioners shall think fit.

Scavengers obliged to clean the Streets, &c. against certain Hours every Day.

LIV. And be it further enacted, That if any Person or Persons shall throw Dung, Water, Ashes, or other Nastiness out of any Door or Window within the said City by Night or by Day, or dust Carpets from or over any Window or Stair opening to any Public Street, Court, Close, or Lane within the same, or shall lay or cause to be laid down thereon any Dung, Ashes, Rubbish, or Filth of any Kind (except in such Manner and at such Times as the said Commissioners shall direct), the Person or Persons so offending shall for every Offence forfeit and pay the Sum of Five Shillings Sterling; and that if any Person or Persons shall leave any Coach, Chaise, Cart, or other Carriage yoked or unyoked in any of the said Roads, Avenues, Streets, Lanes; or Public Passages, without having some Person attending to take care of the same, he, she, or they shall for every such Offence forfeit and pay Ten Shillings Sterling; and the said Commissioners, in every Case of this Kind, are and shall be empowered to cause immediately to be removed, at the Owner's Expence, from the said Roads, Streets, Avenues, or other Public Passages, all such Carriages as shall be so left thereon, to any other Place within the City which they may deem most convenient for the Purpose; and that if any Person or Persons shall lay down any Bricks, Stones, Timber, Lime, or other Materials taken

Penalty on committing Nuisances.

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

Materials for Buildings not to be laid down without

[*Local.*]

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from

the Authority of the Commissioners.

from any Buildings demolished or demolishing, or intended to be used in any Building, upon any Road, Avenue, Street, Lane, or Public Passage of the said City or Royalty, without fencing and inclosing the said Materials by a proper Fence or Inclosure; to be approved by the said Commissioners or any Two of them, and without a Light or Lamp by Night hung upon a conspicuous Part of the said Fence or Inclosure, he, she, or they shall for every such Offence forfeit and pay Ten Shillings Sterling, and the like Sum for every Day after during which the said Stones, Timber, Lime, or Rubbish shall lie upon the said Avenue, Street, Lane, or Passage.

Notice of new Buildings being erected.

Lv. And be it further enacted, That before new Buildings of any Description are begun to be built along the Sides of any of the Streets, Lanes, or Avenues comprehended in this Act, Notice thereof in Writing shall be given by the Proprietor thereof, or Contractor for erecting the same, to the said Commissioners or their Clerk, at least Eight Days preceding; and the said Commissioners shall thereupon have Power to lay down the Line of such new Buildings, so as the same may not encroach upon the public Street; and if such Proprietor or Contractor shall fail or neglect to give such Intimation, he shall be liable in a Penalty not exceeding Forty Shillings, to be recovered by summary Application to any of the Magistrates or Justices of the said City.

Signs, &c. to be removed.

Lvi. And it is hereby further enacted, That the said Commissioners may and shall have full Power, at the Expence of the respective Owners, where the same has not hitherto been done, to cause all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, Sign Posts and Irons, Shew Boards, Spouts and Gutters, projecting into any of the said Avenues, Streets, Lanes, and Passages, and also all Foot Scrapers, and outer Window Shutters hung upon Hinges, with the Bolts and Bars affixed thereto, upon the outside Walls of Houses and Shops, projecting in the Line of the said Streets, Lanes, and Passages, or of the Foot Pavements, together with all other Projections, Encroachments, and Annoyances whatsoever on the same, to be taken down, altered, or removed, as they shall think most proper, and to cause all such Signs, Emblems, Sign Posts and Irons, Shew Boards, Spouts and Gutters, or such Parts thereof as they shall think fit, to be placed and fixed against and flat upon the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong or were before fixed, and not otherwise, and shall return or cause to be returned to their respective Owners so much of the said Signs or other Emblems, Sign Posts or Irons, Shew Boards, Spouts and Gutters, as shall not be affixed and put up, or otherwise made use of in the Alterations directed by this Act; and that all Signs, Sign Boards, Spouts and Gutters, shall be placed and fixed flat upon and against the Front Walls of the Houses, Shops, Warehouses, or other Buildings to which they respectively belong; and if any Person or Persons shall hang, place, erect, or build any Sign, Sign Post, Sign Iron, Shew Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance, or cause the same to be done, contrary to the Directions aforesaid, every Person so offending shall for every Offence forfeit and pay the Sum of Ten Shillings Sterling, and the further Sum of Twenty Shillings Sterling for every Day such Offence shall be continued after Notice to remove the same, under the Hands of any One or more of the said Commissioners, to be left at the Dwelling-house of the Person or Persons so offending.

Signs, and Sign Boards, &c. to be placed flat upon the Walls of Houses, and outer Window Shutters upon Hinges to be altered.

LVII. And whereas the Streets called *Castle Street* and *King Street* are at present the Resort of People bringing for Sale Fish, Provisions, and various other Articles, and Stalls, Booths, Carts, Barrows, Baskets, and such like, for the Exposure and Sale of such Fish, Provisions, and Articles, are placed, erected, and put up in such Situations as to obstruct and encumber the Streets, and to render the same dangerous to Passengers; be it further enacted, That no Person or Persons shall place any such Stalls, Booths, Carts, Barrows, Baskets, or any other Obstruction, or Annoyance whatever, either in *Castle Street* or *King Street*, or in any other of the Streets, Lanes, or Public Passages of the said City, on any other Days than Market Days; and that it shall be lawful for the said Commissioners, and they are hereby empowered, to establish from Time to Time such Rules and Orders as may appear necessary and expedient for regulating the Situation of such Stalls, Booths, Carts, Barrows, Baskets, and such like, upon the said usual Market Days, so as a free and uninterrupted Passage may be preserved for all Horses, Carriages, Foot Passengers and others in the said Streets, with full Power to the said Commissioners, or any Officer or Officers acting under their Authority, to remove, in a summary Manner, all such Stalls, Booths, Carts, Barrows, Baskets, or any other Obstruction or Annoyance, to such Situation or Place of Safety as they or their Overseer shall direct; and if any Person having Charge of such Stalls or others, or to whom the same may belong, shall refuse to remove the same, or obstruct any Officer in the Execution of the Orders of the said Commissioners, he or she shall not only be liable in the Expence of such Removal, but also in a Penalty of not exceeding Twenty Shillings Sterling, to be recovered by a summary Application to any Magistrate or Justice of the Peace; and the Offender or Offenders shall be detained in Custody of such Officer until the said Penalty is paid, or sufficient Security found therefor; with Liberty, nevertheless, to Venders of Vegetables and Fish of all Descriptions, to put up Stalls and expose the same for Sale, on any Days beside Market Days, but always in such Situations upon any of the said Streets, and under such Orders and Regulations, as the said Commissioners may appoint: Provided always, that such Rules and Regulations shall be printed and affixed in conspicuous Places in the said Streets called *Castle Street* and *King Street*; and shall not be inconsistent with the Laws of that Part of the United Kingdom called *Scotland*, or with the Provisions of this Act.

Regulating
Stalls, &c.

LVIII. And be it enacted, That the Water falling from the Tops of all Houses or other Buildings within the said City fronting the Public Streets, Lanes, and Passages, shall be conveyed in Lead or other Pipe or Pipes, reaching within Six Inches of the Ground, affixed against and flat upon the Sides or Fronts of such Houses or Buildings, and not projecting more than Four Inches without the same; and in case the Owners or Proprietors of the said Houses and Buildings shall not convey the Water falling from the Tops thereof by Pipes in Manner aforesaid, and repair the same within Fourteen Days after being required so to do by a Notice under the Hands of any One or more of the said Commissioners, to be left at the Dwelling-house of such Owner or Proprietor, or in case he shall not reside within the said City or Royalty, at the Dwelling-house of the Occupier or Occupiers of such Houses or Buildings, that then such Owner or Proprietor shall forfeit and pay a Sum not exceeding Ten Shillings Sterling;

Water from
House-tops
to be con-
veyed by
Pipes.

Sterling; and if the Water from such House or other Building shall thereafter be still conveyed otherwise for the Space of One Calendar Month or more, then and in every such Case the Owner or Proprietor of every such House or Building shall forfeit and pay the Sum of Ten Shillings Sterling, and so on, *toties quoties*, for every Month thereafter during which the Water shall be conveyed otherwise than as above directed.

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

LIX. And be it further enacted, That the said Commissioners shall and may cause to be painted, engraved, or described on Stone, or otherwise, and to be affixed on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of the said Streets, Lanes, or other Passages of the said City of *Aberdeen*, the Names by which they are respectively called or known, and may also cause every House, Shop, or Warehouse in the said Streets, Lanes, or Passages, at the Expence of the Possessors, to be marked or numbered in such Manner as they shall judge most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Name, Description, Marks, or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

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

LX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously obstruct, hinder, or molest any Officer, Servant, or other Person or Persons employed in the Execution of any of the Powers committed by this Act to the said Commissioners, or shall wilfully or maliciously break, throw down, take away, or extinguish, damage, or spoil any Lamp or Lamps that now are or shall be set up for lighting any of the said Roads, Avenues, Streets, Lanes, and Passages, or damage the Posts, Irons, or other Furniture thereof, or the Fountains and Water-courses, Reservoirs, Filtering Machines, Cisterns, Pipes, Wells, or other Conduit or Engine for conveying and distributing the Water as aforesaid, or the said Fire Cocks and Fire Engines, it shall and may be lawful to and for any Person or Persons whatsoever who shall see such Offence committed to seize, as also to and for any other Person or Persons to assist in seizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them into the Custody of a Peace Officer, or any of the Town Serjeants of the said City, in order to be carried before any one of the Magistrates thereof, Justice of the Peace, or other Judge Ordinary; and that such Magistrate or Justice of the Peace, or other Judge, shall proceed to examine upon Oath any one or more Witness or Witnesses who shall appear to give Information touching such Offence (which Oath the said Magistrate is hereby authorized and required to administer), and that if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or by the Oath of any one or more credible Witness or Witnesses upon such Information as aforesaid, he, she, or they so convicted shall each forfeit and pay a Sum not exceeding Fifteen Pounds, nor under Two Pounds Sterling, and moreover shall be obliged to make full Satisfaction to the said Commissioners for the full Value of the Lamps so destroyed, and any other Damage so done by him, her, or them as aforesaid; and that in case such Offender or Offenders shall not, upon Conviction, pay the Forfeiture, and make the Satisfaction as before directed, such Magistrate or other Judge is hereby required to commit him, her,

her, or them to the House of Correction of the said City of *Aberdeen* for a Period not exceeding Six Months, nor under Two Months, unless such Forfeiture and Satisfaction shall be sooner paid and given; and it shall be lawful for the said Magistrates or other Judge to publish the Name or Names of such Offender or Offenders, and the Nature and Extent of the Offence and Punishment, in the *Aberdeen* Newspapers.

LXI. And be it hereby further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps, or the Posts, Irons, or other Furniture thereof, or the Fountains, Wells, Reservoirs, Cisterns, Pipes, and other Conductors for conveying and distributing the Water as aforesaid, or the said Fire Cocks and Engines, and shall not immediately on Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any one of the Magistrates, Justices of the Peace, or Judge Ordinary of the City or County of *Aberdeen*, upon Complaint made to him, to cause to be summoned before him the Party or Parties complained of for doing such Damage, and upon Proof of the Complaint by One or more Witness or Witnesses, or the Confession of the Party or Parties so complained of and summoned, to award such Sum or Sums of Money, by way of Satisfaction for the Damage, as the said Magistrates, Justices, or others aforesaid, shall think proper; and in case of Neglect or Refusal of the said Party or Parties to pay such Sum or Sums of Money so awarded within Three Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his, her, or their Goods or Chattels; the Surplus, after Payment of the Damage or Expence, if any be, arising from such Sale, to be paid to him, her, or them, when demanded.

Persons carelessly breaking the Lamps, or damaging the Springs, to make good the same.

LXII. And be it further enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to be carried, run, driven, or drawn, on any of the Foot Pavements within the said City, any Bier, Sedan Chair, Burden, Barrel, or Cask, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatsoever, or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or Cattle of any Description, upon any of the said Foot Pavements (except across them directly to or from Shops, Cellars, Warehouses, or Stables), or shall set down upon any of the said Foot Pavements any Cask, Box, or other Interruption, or shall roll any Casks or Barrels of any Kind, whether full or empty, upon any of the said Streets or Foot Pavements (except across them as aforesaid), then and in any of the said Cases it shall and may be lawful to and for any Person or Persons who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey or deliver him, her, or them into the Custody of a Peace Officer, or any of the Town Serjeants, in order to be conveyed before some One of the Magistrates or Justices of the Peace of the said City; and the Party or Parties accused being brought before such Magistrate or Justice of the Peace, he shall proceed to examine upon Oath any Witness or Witnesses who shall appear to be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted thereof, either by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, he, she, or they so convicted shall

Biers, Burdens, &c. not to be carried or driven on the Foot Paths, and Casks, &c. not to be set down thereon.

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shall

shall forfeit and pay the Sum of Five Shillings Sterling for the First and every subsequent Offence; and that it shall be lawful to any Passenger or other Person finding any such Cask, Box, or other Interruption upon any of the said Foot Pavements, at his own Hand to remove and turn off the same into the Street.

Timber, &c.
to be convey-
ed on long
Carriages.

LXIII. And be it enacted, That all Timber, Log or Logs of Wood, and Bars of Iron, conveyed upon or along the Roads, Streets, Lanes, Public Passages, or other Places of the said City and Royalty, whether going to or coming from the Country or otherwise, shall be conveyed and carried upon long Carts or Carriages, or in such other Way and Manner as that the said Timber, Log or Logs of Wood, and Bars of Iron, shall not in any Case project or extend over the Sides of the said Carriages, nor occupy more of the Breadth of the said Roads, Streets, Avenues, Lanes, and other Public Passages, than is occupied by the Carriage or Carriages on which they are placed and conveyed, which it is hereby declared shall not exceed Eight Feet in Breadth in the whole; and that every Person or Persons who shall convey or carry any Timber, Log or Logs of Wood, and Bars of Iron, upon or along the said Streets, Roads, Lanes, Passages, and other Places, in any other Manner than is before directed, shall forfeit and pay any Sum not exceeding Five Shillings Sterling for every such Offence; and in case the Offender or Offenders shall not immediately pay the said Penalty, it shall and may be lawful for the Magistrates of *Aberdeen*, or any one of them, to commit him or them to Prison for any Time not exceeding Eight Days, unless such Penalty, and the Charges occasioned by the Recovery of the same, shall be sooner satisfied and paid.

Soil, &c.
from Stables,
&c.

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

Distillers to
make Refer-
voirs for their
Refuse.

LXV. And be it enacted, That the Proprietors, Owners, or Occupiers of Distilleries and other Works shall dig, make, and construct covered Sift Pools or Reservoirs within their own Grounds for receiving and depositing their Refuse, to prevent offensive or dangerous Consequences to the Health of the Inhabitants by its running into any Burn, River, Ditch, or Sewer; and if they refuse so to do when thereto required by the said Commissioners, the said Magistrates or Justices of the Peace, or any Two of them, are hereby authorized and required to cause the same to be done at the Expence of the Owners or Occupiers of such Distilleries or other Works.

A limited
Quantity of
Gunpowder

LXVI. And be it enacted, That no Merchants, Shopkeepers, Traders, or other Persons, Dealers in Gunpowder, within the said City, shall have or keep in their Houses, Shops, or Warehouses, at any one Time, more than

than Four Pounds Weight of Gunpowder, but shall deposit and lodge their whole remaining Stock of Powder in the Store-house or Powder Magazine already constructed, or which may hereafter be constructed by the said Commissioners; and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candle-light; and if any Merchant, Trader, Shopkeeper, or other Person dealing in Gunpowder shall be convicted of having in his, her, or their House, Shop, or Warehouse, at any one Time, a greater Quantity than Four Pounds Weight of Gunpowder, or of selling any Quantity thereof at any other Time but during Day-light, he, she, or they shall forfeit and pay the Sum of Twenty Shillings Sterling for every Pound Weight above the said Quantity, over and beside the Forfeiture thereof; and that the said Commissioners shall make such Orders and Regulations respecting the receiving and depositing the said Gunpowder, as the Nature of the Case shall appear to them to require.

to be kept in Houses, Shops, &c.

LXVII. And be it also enacted, That the aforesaid Quantity of Four Pounds Weight of Gunpowder allowed to be kept within Houses, Shops, or Warehouses, shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured under Lock and Key, under a Penalty of Five Pounds Sterling to be paid for each Offence by the Occupier of the said Houses, Shops, or Warehouses, and to be levied and applied in Manner herein-after directed.

Gunpowder to be kept separate from other Goods.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to assess and levy upon all Importers of Gunpowder to the said City such Sum or Sums of Money, not exceeding One Halfpenny Sterling on each Pound Weight of such Gunpowder, in addition to the other Sums allowed to be imposed by this Act, as may be sufficient for defraying the extra Expence attending the receiving and giving out the said Powder, and the Management and Superintendence of the Magazine erected or to be erected for the Security thereof; and in order to ascertain the Number of Persons liable in the said Assessment, the Collector of Customs at the Port of *Aberdeen* shall be obliged to furnish to the said Commissioners a List of the Importers of such Gunpowder, when required: Provided always, that nothing herein contained shall extend or be construed to extend to Powder imported for the Use of His Majesty, His Heirs or Successors.

Duty on Gunpowder.

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

Holes made in Streets to be fenced and lighted.

LXX. And

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

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

Power to appoint a Superintendent and Watchmen.

LXXI. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to nominate and appoint a Surveyor or Surveyors, or Superintendent or Superintendents, for the Purposes mentioned in this Act, and also to appoint such a Number of Watchmen or Patrol as they shall adjudge necessary for guarding, patrolling, and watching the Streets of the said City, and Shipping and Property on the Quays, Harbour, and Wharfs thereof, in such Manner and under such Rules, Powers, and Regulations as to the said Commissioners shall appear proper and expedient.

Penalty on Victuallers harbouring any Watchmen while on Duty.

LXXII. And be it further enacted, That if any Victualler or Keeper of any Public-house, or any other Person, shall knowingly harbour or entertain, or suffer to remain in his or her House, any Watchman or Patrol of the said City as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper or other Person shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Five Pounds, and for the Second and every other Offence of the same kind, any Sum not exceeding Ten Pounds.

Power to reward Watchmen disabled.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to the Watchmen or Patrol respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised by virtue of this Act.

Licensing Hackney Coachmen and Chairmen.

LXXIV. And be it enacted, That no Hackney Coachman or Chairman, or any other Person or Persons of a similar Description, who shall ply or work on the Streets of the said City for Hire, shall from and after the passing of this Act be allowed to ply on the Streets of the said City with Hackney Coaches, Sedan Chairs, or exercise other similar Employments, without first entering their Names and Places of Residence in a Book to be

be kept for that Purpose by the said Commissioners, and without first giving Bond respectively with sufficient Cautioners for the faithful and honest Discharge of their Duty, under such Penalty as to the said Commissioners shall seem proper, and for the due and faithful Performance of such Rules and Regulations as may be by the said Commissioners established for their Conduct; and if any Persons shall act in any of the Capacities before mentioned without first so registering their Names and Places of Residence, and finding Caution, he or they shall for every such Offence forfeit any Sum not exceeding Two Pounds Sterling, to be levied and applied in Manner herein-after directed.

LXXV. And in order to raise a proper and sufficient Fund for answering the Purposes of this Act, be it enacted, That the said Commissioners shall have Power, and they are hereby authorized and required, at their Quarterly Meeting to be held on the Second *Tuesday* in *September* annually during the Continuance of this Act, to fix and ascertain certain Rates and Assessments necessary for the Purposes of this Act, to be raised and levied from the whole Occupiers and Possessors, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings within the said City and Royalty actually occupied and possessed, by an equal Pound Rate or Assessment, to be laid and proportioned upon the free yearly Rent of such Houses and other Buildings of the Description before specified, according as the same may be stented or assessed by the aforesaid Rent Roll or Valuation to be made up in the Month of *August* annually by Direction of the said Commissioners as above mentioned, but so as the said Pound Rate or Assessment shall not exceed One Shilling Sterling in the Pound *per Annum* of the said respective free yearly Rent or Value, nor affect any such Rent to be rated under Two Pounds Sterling yearly; and that the same shall be charged upon the Tenants and Occupiers only; and all such Tenants and Occupiers are hereby made liable for and obliged to pay the said Rate or Assessment so directed to be raised and levied as aforesaid, according to the true annual Rent or Value of their said respective Houses, and other Buildings before mentioned, lying and being within the said City and Royalty.

Assessment
to be raised
and levied.

Assessment
of 1s. per
Pound of all
House Rents,
&c. of £2.
and upwards,
to be yearly
paid by the
Occupiers or
Tenants.

LXXVI. And in order to defray the Expence of establishing and maintaining the said Superintendent or Superintendents, Watchmen, and Patrol, be it further enacted, That the said Commissioners shall have Power, and they are hereby authorized and required, at their Quarterly Meeting as aforesaid, to levy and assess upon the Houses and other Buildings, and in the same Manner as is provided by this Act, such an annual Sum as may be necessary for that Purpose, not exceeding Sixpence Sterling on each One Pound Sterling of the Rents assessable under this Act.

Rate for
watching.

LXXVII. And in order to defray the Expence of a nightly Patrol, established by the Inhabitants of the said City by voluntary Contributions, for the interim Protection of their Persons and Property, in consequence of recent Outrages and Depredations committed within the said City, amounting to One thousand and twenty-three Pounds Ten Shillings and Sixpence; be it enacted, That the said Commissioners shall be and they are hereby authorized and empowered, immediately after the passing of this Act, to assess and levy from all and every Person herein-before authorized to be assessed in the Sum herein allowed to be levied, for the Establishment of a Watch,

Repayment
of Money
subscribed
for nightly
Patrol.

[Local.]

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not

Certain Houses and Persons exempted from the Assessment.

not exceeding the Rates above specified, to be applied for Repayment of the Sums voluntarily subscribed as above: Provided always, that all Houses or Parts of Houses, and other Buildings above mentioned, occupied by any one Person, and rated under the yearly Rent or Value of Two Pounds Sterling, and also all Persons receiving Supply from the Parish Funds or Poor's Hospital of *Aberdeen*, shall be and they are hereby exempted from the Payment of any Assessment appointed to be raised and levied by this Act: Provided also, that any House or Houses within the said City, entirely used or employed in carrying on Manufactures, and where no Part thereof shall be occupied as a Dwelling-house, and no Kind of Victuals is dressed or prepared therein, except where menial Servants are lodged in any Part of such Premises for the Protection thereof during the Night, shall be subject or liable to be rated or assessed for the Duties imposed by this present Act as follows, *videlicet*, Sixpence per Pound Sterling for Police Tax, and Threepence per Pound Sterling for the Maintenance of a Watch; and that upon all such Manufacturing Houses belonging to any one Company or Individual, although situate in different Parts of the Town; provided always, that the same Kind or Branch of Manufacture be carried on in such separate and disjointed Houses; and provided also, that the total Assessment on each of such Manufacturing Houses shall not exceed Ten Pounds Sterling, of which One-third shall be applicable to the Maintenance of a Watch; but declaring that such Exemption shall not extend to any Part of such Premises in which Retail Trade is carried on.

Houses possessed by the Proprietors or Liferenters to be rated as estimated by the Commissioners.

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

Rates to be levied, and the Term of Payment.

Recovery of Rates.

LXXIX. And be it hereby further enacted and declared, That the Whole of the aforesaid Rates and Assessments above specified shall be leviable and levied upon the First *Tuesday* in *February* yearly, during the Continuance of this Act, beginning the First Year's Payment thereof upon the First *Tuesday* in *June* One thousand eight hundred and eighteen; and that if any Person or Persons who shall be rated or assessed by virtue and in pursuance of this Act shall refuse or neglect to pay the said Rate or Assessment charged upon him, her, or them for the Space of Eight Days next after his, her, or their respective Rate or Rates, Assessment or Assessments, shall be due and demanded by the Collector or Collectors authorized and empowered by the said Commissioners to collect and receive the same (such Demand being made to the respective Person or Persons so charged by a

written

written or printed Notice, either delivered personally or left at his, her, or their respective House or Houses, Place or Places of Abode), then and in every such Case it shall and may be lawful to and for such Collector or Collectors, and every or any of them, having a Warrant or Warrants under the Hand of any of the Magistrates or Justices of the Peace of the City of *Aberdeen* (which Warrant or Warrants the said Collector or Collectors is and are hereby required to apply for, and the said Magistrate is hereby authorized and required to grant), and with the Assistance of a Peace Officer, or any Town Officer of the said City, to enter the House or Houses, Apartment or Apartments, in the Day-time, of the Person or Persons so deficient in Payment of the said Assessment, and then and there to seize and keep Possession of his, her, or their Goods and Chattels; and if the said Rate or Assessment shall not be paid within Three Days next after such Seizure shall have been made, together with the Costs and Charges thereof, to sell by public Auction so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Seizure and Sale, according as the same shall be settled and allowed by the Magistrate who shall have granted such Warrant, returning the Overplus, if any be, to the Owner or Owners of such Goods and Chattels.

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

Empty Houses becoming possessed may afterwards be rated.

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

Travelling Merchants, &c. to pay Assessments.

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

Application of the Rates and Penalties.

LXXXIII. And

Commissioners may make Bye Laws.

LXXXIII. And be it enacted, That it shall and may be lawful for the said Commissioners, or a Majority of them, at any Meeting to be held for that Purpose, at any Time or Times after the passing of this Act, to make, ordain, and establish Orders, Rules, and Bye Laws, for the better executing this Act; and also from Time to Time, as Occasion may require, 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 in any Case the Sum of One Pound 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 published in the *Aberdeen* Newspaper, and printed and put up in the most conspicuous Places of the said City; and also, that no such Regulation shall be repugnant to the Laws of that Part of the United Kingdom called *Scotland*, or to any Thing in this Act contained.

Power to borrow Money.

LXXXIV. And in order to pay off and discharge the Debt due by the Commissioners acting under the said Act of the Thirty-fifth of His present Majesty, not exceeding Two thousand five hundred Pounds Sterling, as well as to defray the Expence of building a Reservoir and Filtering Machine, and to answer such other Expences as may appear requisite to the said Commissioners in the due and faithful Execution of this Act, during the Continuance thereof; be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Five thousand Pounds Sterling; and to grant, assign, and set over for Security and Payment thereof, and Interest to arise on the same, in Manner herein-after mentioned, the several Rates, Duties, and Assessments given and granted by this present Act, to any Person or Persons who shall be willing to advance and lend Money thereon; and that all the Monies so to be borrowed and advanced shall be employed for the respective Purposes aforesaid, and no other Use or Purpose whatsoever.

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

LXXXV. And for the greater Security of the Person or Persons who shall advance or lend such Monies, and effectually to provide for the Payment of the same during the Continuance of this Act, be it further enacted, That the said Commissioners shall be and they are hereby empowered and required to issue, to such Person or Persons as shall advance or lend Money in virtue of this Act, separate Bonds and Assignments for the Sum of One hundred Pounds Sterling of Principal Money in each Bond and Assignment, bearing the Interest, and of the Form and Tenor, transferable by Indorsation, and payable in Manner hereinafter provided; and that such Bonds and Assignments shall be marked or numbered progressively, from Number One to Number Fifty, according to the Time and Order in which the same shall be issued; and full Copies of the same shall be entered by the Treasurer to such Commissioners, who is hereby empowered and required to enter the same in the Sederunt Book of the said Commissioners, or in such other Book or Books to be kept for the Purpose of entering such Securities as such Commissioners shall direct, and which Copies so entered shall be signed by such Treasurer and such Two of the said Commissioners as shall sign and witness each particular Bond and Assignment as herein-after mentioned: Provided always, that no such Monies shall be borrowed, or Bonds and Assignments issued, except at a Meeting or Meetings

ings to be holden in consequence of a previous Order of the Commissioners for that Purpose entered in their Sederunt Book, and of which all the Commissioners for the Time being shall have due Notice; and that such previous Order shall likewise be printed in a Newspaper published within the said City of *Aberdeen*, at least Eight Days before such Meeting or Meetings; and that nothing in this Act contained shall empower the said Commissioners to borrow any Principal Sums of Money exceeding in the Whole the said Sum of Five thousand Pounds, or to issue any Bonds and Assignments under this Act, exceeding in the Whole in Number Fifty Bonds and Assignments for One hundred Pounds Sterling each of Principal Money, marked or numbered as aforesaid, or of any other Form or Tenor, or transferable or payable in any other Manner than as herein-after provided.

LXXXVI. And be it further enacted, That out of the Monies to arise by this Act, the said Commissioners or their Treasurer for the Time being shall pay, and they are hereby required regularly once in the Year at least, if demanded, to pay the Interest which shall become due upon each of such Bonds and Assignments to the Person or Persons having Right to the same for the Time being, and to mark the Payment of such Interest on the Back of such Bonds and Assignments, and in the Sederunt Book of the said Commissioners, or such other Book or Books to be kept as aforesaid: Provided always, that in order to provide a Fund for the Payment of the Money so borrowed, the said Commissioners shall be obliged to establish, out of the Rates and Assessments hereby allowed to be imposed, a Fund for that Purpose, as follows; *videlicet*, The Sum of Two hundred Pounds Sterling annually out of each of the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Years Assessments; the Sum of Three hundred Pounds Sterling annually out of each of the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Years Assessments; and the Sum of Four hundred Pounds Sterling annually out of the remaining Three Years Assessments to be raised and levied under this Act; and which Fund so to be established shall be solely and exclusively applied for the gradual Extinction and Payment of the said Sum of Five thousand Pounds Sterling, so as the Whole may be paid up and discharged at the Expiry of this Act.

Interest to be paid yearly.

Sinking Fund established.

LXXXVII. And be it further enacted, That the said Commissioners, and the Treasurer to such Commissioners, shall keep and preserve all such Bonds and Assignments so paid and retired, with the Transfers by Indorsement, and Discharges or Receipts for Payment of the Interest or principal Monies, on the Back of the same; and in the Event that any Person or Persons having Right to any of such Bonds and Assignments at the Time when the same by virtue of this Act shall become due and payable, shall Neglect to demand, or refuse to receive Payment of such principal Monies and Interest then due upon the same, or shall refuse or be incapable to grant a sufficient Discharge upon Payment, that then and in that Event the said Commissioners or their Treasurer for the Time being shall be empowered, and they are hereby required, upon Application to and by Warrant of the Sheriff Depute or Substitute of the said County of *Aberdeen* (which Warrant such Sheriff Depute or Substitute is hereby empowered and required to grant), and upon such due Notice as such Sheriff Depute or Substitute shall appoint to be given to the Person or Persons

Preserving Bonds and Assignments paid, and for Consignation of Money, where the Person holding the same shall neglect or refuse to receive Payment or grant a sufficient Discharge.

[Local.]

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then having Right to such Bond and Assignment, to consign such Principal Monies and the Interest then due upon the same in the Hands of the Cashier of the Bank of *Scotland*, or Royal Bank of *Scotland* (on account of the Person or Persons then having Right to such Bond and Assignment), as such Sheriff Depute or Substitute shall appoint; and that upon Payment, or upon such Consignation, the Bond and Assignment or Bonds and Assignments, as the Case may be, so granted and having become payable as aforesaid, shall be discharged and become void, and the Lien for the same upon such Rates and Monies payable by this Act shall cease and determine: Provided always, that the said Commissioners or Treasurer for the Time being shall enter, and they are hereby required regularly to enter a Memorial of such Payments or Consignations, with the Date of the same, and Names of the Parties, and Number of the Bond and Assignment, in the Sederunt Book of the said Commissioners, or such other Book or Books to be kept as aforesaid.

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

Form of the
Bonds and
Assignments;

‘ BY virtue of an Act made in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*] I, *A. B.*, Treasurer to the Commissioners by the said Act appointed, and by the Authority of the said Commissioners, in Consideration of the Sum of One hundred Pounds Sterling, instantly lent and paid to me on account of the said Commissioners, and for the Purposes of the said Act, by *C. D.* of *E.*, do hereby bind and oblige the said Commissioners for the Time being, out of the first and readiest of the Rates and Monies by the said Act granted, to pay to the said *C. D.*, his Executors, Administrators, or Assigns, Interest for the said Sum of One hundred Pounds at the Rate of Five Pounds *per Centum per Annum*, regularly, once in the Year at least, if demanded, from the Date hereof; and to repay such Principal Sum of One hundred Pounds, and all Interest which shall arise thereon not before paid to the said *C. D.* his Executors, Administrators, or Assigns, at the Term of *Whitsunday* which shall be in the Year One thousand

‘ [for the Two First Bonds which shall be issued and marked or numbered Number One and Number Two; and for every other Two of the said Bonds and Assignments in the Order in which they shall be issued and marked or numbered as aforesaid, the Term of Payment of the Principal Monies shall be at each succeeding Term of *Whitsunday* during the Continuance of the said Act, according to the true Intent and Meaning of the same]: And for the further Security of the said *C. D.*, I do hereby assign to the said *C. D.*, his Executors, Administrators, or Assigns, such Proportion of the Rates and Monies by the said Act granted as shall be equivalent to the said Sum of One hundred Pounds and the Interest to become due thereon as aforesaid at the Term aforesaid.

‘ Dated and marked or numbered at *F.* this *G.* Day of *H.* in the Year
‘ *I.* and Number *K.*’

which shall be
a sufficient
Security, and
a Lien on the

And that such Bonds and Assignments, on Paper duly stamped, and signed by the Treasurer, of the said Commissioners, and witnessed by any Two of the said Commissioners, all for the Time being, and issued

at such regular Meeting or Meetings as aforesaid, shall be a sufficient Security to the Person or Persons so lending or advancing such Monies for the same; and that till Re-payment, such Principal Monies and the Interest to arise thereon shall be a Lien and Charge on the Rates and Monies by this Act granted, and entitle the Holder of such Securities for the Time being to recover such Principal Monies and Interest from such Commissioners, and their Treasurers, Clerk, or other Officers having the Management of or receiving such Rates and Monies, out of the first and readiest of such Rates and Monies, and that by Action to be brought, if necessary, before the said Sheriff Depute or Substitute of the said County of *Aberdeen*, or by any other Form known and used in the Law of *Scotland*, together with the full Expences of such Action, or of recovering such Monies and Interests; and that every Person or Persons, to whom such Bonds and Assignments shall be issued and granted as aforesaid, or who for the Time shall have Right to the same, may from Time to Time assign or transfer his, her, or their Right, Title, or Interest in the Premises, (by a Writing under his, her, or their Hand or Hands to be indorsed on the Back of such Bond and Assignment, in the Presence of One credible Witness), to any other Person or Persons; and that such Transfer or Indorsement shall be in the following Words, or Words to the like Effect:

‘ I *C. D.* do transfer this Bond and Assignment, with all the Right, Title, or Interest which I have under the same, to *E. F.*, his (her or their, *as the Case may be*), Executors, Administrators, or Assigns. Dated at *G.* this *H.* Day of *I.* Signed *C. D.*’

‘ Witness *K. L.*’

Which Transfer or Indorsement shall be notified to the Treasurer of the said Commissioners, who shall cause, and he is hereby required to cause, an Entry or Memorial of such Transfer or Indorsement, containing the Date, Names of the Parties, and Number or Mark of such Bond and Assignment, and the Interest then due on the same, to be entered in the Sederunt Book of the said Commissioners, or such other Book or Books as shall be kept as aforesaid for entering such Transfers, Bonds, and Assignments, and shall certify such Entry on the Back of such Bond, and immediately under such Transfer or Indorsement; and after such Entry and Certificate, and not till then, such Transfer or Indorsement shall entitle the Person or Persons to whom the same shall be so made, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of such Bond and Assignment; and that every such Person to whom such Transfer shall be made as aforesaid, may in like Manner transfer again such Bond and Assignment to any other Person or Persons, so often as the Case shall happen; and that it shall not be in the Power of the Person or Persons making such Transfers, by Indorsement certified to have been entered as aforesaid, to make void, release, or discharge such original Bond and Assignment, or Transfer or Transfers of the same, or any Monies due or Benefit arising thereupon, or any Part thereof.

LXXXIX. And be it further enacted, That the said Commissioners, some Time between the Second *Tuesday* in *March* and the Second *Tuesday* in *April* in every Year, shall cause a fair and just Account to be made and wrote out of all the Monies received and paid by virtue or in pursuance of this Act, and to whom, when, and for what Purposes the same have been laid out, paid, and expended; a Copy or Duplicate of which Account, signed

Rates and Monies granted by the Act;

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

and may be transferred.

Form of Transfer.

Transfer to be entered, and certified by the Treasurer for the Time being;

and after such Entry and Certificate, cannot be released by the Persons making such Transfer.

Accounts to be kept and dispersed.

signed by the Preses and Clerk, shall be deposited with the Clerk, who shall be obliged to cause to be printed and dispersed authenticated Abstracts of the said Yearly Accounts as soon as they are signed, and shall also permit any Person assessed as aforesaid to inspect and examine the said Accounts themselves, as well as the said Minute and Sederunt Books of the Commissioners, at all seasonable Times, without Payment of any Fee or Reward for such Inspection; and the said Clerk shall also upon Demand give certified Copies or Extracts of the said Books and Accounts, or any Part thereof, to any Person, upon Payment of such reasonable Fee or Reward for the Clerk's Trouble as the said Commissioners shall determine and appoint; and a Copy of the said Account, signed as aforesaid, shall likewise be annually deposited in the Office of the Town Clerk of *Aberdeen*.

Commissioners to be accountable for Misapplication of Money.

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

Compelling Payment of Subscriptions.

XCI. And be it further enacted, That the several Persons who have already subscribed, or shall hereafter subscribe any Money for or towards making and maintaining the said Works, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, at such Times and Places as shall be directed by the said Commissioners; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Commissioners to sue for and recover the same in any competent Court of *Scotland* by Action of Debt or on the Case.

Penalties to be levied, and Mode of Recovery.

XCII. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Collector to be appointed by them for receiving the Monies and Rates granted by this Act, or authorized by any Order or Bye-Law made in pursuance of any of the Powers herein contained, to prosecute for and recover the several Fines, Penalties, Forfeitures, and Damages hereby imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), by Action, Bill, Complaint, or Information, exhibited within Six Calendar Months after such Offence is committed, before any one or more of the Magistrates of *Aberdeen* (notwithstanding they may happen to be Commissioners under this Act for the Time), Sheriff Depute or Substitute, Justice of Peace, or other Judge competent, within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the Magistrates or other Judges aforesaid shall and they are hereby empowered and required to proceed to the Trial of such Offences in a summary Way, and upon Conviction of the Offender or Offenders by their own Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees, as to them shall seem most agreeable to the true Intent

Intent and Meaning of this Act; and that in default of Payment of the said several Fines, Penalties, Forfeitures, and Damages which shall be awarded and ordered by the said Magistrates or other Judges, the Person or Persons who shall be convicted of any of the Offences before described, shall and may be sent by them to the House of Correction for the said City and County of *Aberdeen*, and there be kept in Confinement and at hard Labour for such Time, not exceeding Four Calendar Months, as such Magistrate or Magistrates shall direct, unless the Sums so awarded against them shall be sooner paid and discharged.

XCIII. Provided always, and be it enacted, That it shall and may be lawful to and for the Magistrates and other Judges aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they shall see Cause, to mitigate, compound, or lessen any of the Fines, Penalties, or Forfeitures aforesaid, as he or they, in his or their Discretion, shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act where such Penalty is specially fixed; and that every such Mitigation and Composition shall be a sufficient Discharge to the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted. Penalties may be mitigated.

XCIV. And be it enacted, That if any Person or Persons shall think himself or themselves injured or aggrieved by any Order, Rule, or Bye-Law made in pursuance thereof, or by any Thing done in consequence of such Act, Order, Rule, or Bye-Law, by any Person or Persons acting under their Authority, or by any Matter or Thing done in the Execution of this Act, it shall and may be lawful for the Person or Persons who shall think himself or themselves so injured or aggrieved to complain to the Sheriff Depute of the said County, or to his Substitute, or to any Two or more of His Majesty's Justices of the Peace of the County of *Aberdeen*, and they are hereby authorized and required to hear and determine such Complaints, after calling and hearing all Parties concerned. Appeal.

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

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

[*Local.*]

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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 and
Duration of
the Act.

XCVIII. And be it further enacted, That this Act, and the whole Clauses, Powers, and Authorities of the same, with the Rates and Duties thereby granted, shall commence and have Continuance from and after the passing of this Act for and during the Term of Twenty-one Years.

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