



ANNO TERTIO

GEORGIIV. REGIS.

Cap. lxxxiii.

An Act to amend an Act of the Forty-third Year of His late Majesty, for paving, cleansing, and lighting the Town of *Alloa*, and for other Purposes therein mentioned. [24th June 1822.]

WHEREAS an Act was made in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled 26G.3. c.13. *An Act to continue and render more effectual so much of an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, as imposes a Duty on Ships and Vessels anchoring in the Harbour of Alloa, in the County of Clackmannan, for repairing the Pier of the said Harbour, by which the said recited Act passed in the Twenty-seventh Year of the Reign of King George the Second was repealed:* And whereas an Act was passed in the Forty-third Year of the Reign of His said late Majesty King *George* the Third, intituled 43G.3. c.55. *An Act to amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, for the Improvement of the Harbour of Alloa, for paving, cleansing, and lighting the Town of Alloa and for other Purposes therein mentioned:* And whereas the Trustees for the Town of *Alloa*, in virtue of the Powers committed to them by the said Act, have not only made great Progress in paving the Streets and Lanes of the said Town, and in cleansing and improving the same, but have also, at considerable Expence, built a Market Place for the Sale of Butchers' Meat, and erected public Wells, and brought in a Supply of Water, which is conveyed in Pipes through the different Streets of the said Town, and the said Streets are constantly kept lighted during the proper Season; to defray the Expence of all which the Trustees have contracted a Debt

[Local.]

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on

Levying
Rates.

on their own personal Security: And whereas it has been found that the Rates and Assessments by the said recited Act authorised to be raised and levied from the Occupiers and Possessors of Houses, Shops, Cellars, Warehouses, Malt Barns, and other Buildings within the said Town, are inadequate for the Purposes of the Act, and for paying and discharging the said Debt; and it is expedient that the said Act should be amended: 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 from and after the passing of this Act the Trustees nominated and appointed by and in pursuance of and acting under the said recited Act shall have full Power and Authority, and they are hereby authorised and empowered to fix, ascertain, raise, and levy, in the Manner directed by the said recited Act, from the whole Occupiers and Possessors, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, Malt Barns, and other Buildings within the said Town, 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, according as the same may be stented or assessed by the Rent Roll or Valuation to be made up as directed by the said Act, but so as the said Pound Rate or Assessment shall not exceed One Shilling and Sixpence Sterling on the Pound *per Annum*, of the said respective free Yearly Rent or Value, and that the same shall be charged upon the Tenants or 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 free Annual Rent or Value of their said respective Houses and other Buildings before mentioned, lying and being within the said Town.

43 G. 3. for
keeping Foot
Pavements
in Repair,
repealed.

The same to
be done by
the Proprie-
tors.

In Default
of Proprie-
tors paying
the Expence,
Tenants may
do the same,
and deduct
it from their
Rents.

II. And be it enacted, That so much of the said last recited Act as directs the Foot Pavements to be kept in Repair by the said Trustees, shall be and the same is hereby repealed.

III. And be it enacted, That the said Foot Pavements shall be repaired and in all Time hereafter kept in proper Repair by the Feuars or Proprietors of the Houses and Buildings fronting the Streets or other public or principal Places within the said Town.

IV. And be it enacted, That when Houses or Buildings belong to more Proprietors than One the several Proprietors shall be bound to cause the Pavement before their respective Properties to be kept in Repair in Manner aforesaid; the Expence being defrayed by such Proprietors in Proportion to the Rents of the respective Parts of the Premises belonging to each of them according as the same shall at the Time stand rated in the Rent Roll before mentioned; and that the Tenants or Occupiers of the Houses or other Buildings belonging to such Feuars or Proprietors, in default of the Proprietors paying such Expence, and in case such Tenants or Occupiers shall pay the Expence aforesaid, (which they are hereby authorized and required to do to the Amount of the Rents payable by them respectively,) shall be at liberty, and they are hereby empowered to deduct and retain out of his, her, or their Rents, such Sums of Money as they shall respectively pay on

on account of the said Pavements, for their respective Landlords, Feuars, or Proprietors, who are hereby required to admit of such Deductions; any Lease or Contract to the contrary notwithstanding.

V. And be it enacted, That in case any Feuar shall refuse or neglect to cause such Footways or Pavements to be repaired in Manner herein directed, within Ten Days after they shall be required so to do, it shall be lawful for the said Trustees to cause the Foot Pavements to be repaired in such Manner as they shall direct, at the Expence of such Feuars respectively; and in case any Feuar shall refuse or neglect to pay such Expence when required, it shall be lawful to the said Trustees to recover the same by a summary Action before the Sheriff Depute, or Substitute, of the County of *Clackmannan*, or any Two or more of His Majesty's Justices of the Peace for the said County.

In case of Neglect, Trustees to do it, and recover the Expence.

VI. And be it enacted, That all and every Person or Persons who shall possess the Floor on a Level with or immediately above the Street, whether Dwelling Houses or Shops, adjoining to or fronting the Foot Pavements within the said Town, shall cause the same along the Front of their Shops or respective Properties to be swept, scraped, and cleansed once every Day between the Hours of Six and Nine in the Morning, and if they fail so to do it shall be lawful for the Baillie of *Alloa* for the Time being to decree in a summary Way such Possessors and Proprietors to pay any Sum not exceeding Five Shillings Sterling for each Offence; and in case any Dispute shall arise amongst the Possessors of the Property adjoining to such Foot Pavements, relative to the sweeping, scraping, and cleansing the same, it shall be lawful for the said Baillie to enquire into, hear, and finally determine the same.

Inhabitants to sweep Foot Pavements opposite their Houses.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts and this Act, or the Partner of any such Clerk the Treasurer for the Purposes of the said Acts and 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 Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act, every Person so offending 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 with full Costs of Suit, in any Court of competent Jurisdiction in *Scotland*.

Clerk not to act as Treasurer, and vice versa.

VIII. And be it further enacted, That the said Trustees may and they are hereby authorised and empowered, in case they find that their Funds will admit thereof, or that the Inhabitants of the said Town shall raise Funds necessary for that Purpose by voluntary Subscription, to order, establish, and appoint such Number of Watchmen and Patroles as they shall judge necessary to be kept and employed in or about the said Town of *Alloa*; and likewise direct and appoint how and where such Watchmen and Patroles shall be stationed, and in what Manner they shall be armed, how often

Appointing Watchmen and Patroles

often they shall go their Rounds, how long they shall continue on Duty, and what Wages shall be allowed to them for their Service; and shall and may also erect and provide proper Places, Boxes, or Watch Houses, for the Reception of such Watchmen and Patroles, and make Orders and Regulations from Time to Time for the better Direction and Government of such Watchmen and Patroles; and it shall be lawful for such Watchmen and Patroles, and they are hereby authorized and required to keep Watch and Ward within the said Town of *Alloa*, and to arrest, apprehend, and detain in some Watch House, or other convenient Place of Security within the said Town, to be provided or appointed by the said Trustees, all Disturbers of the public Peace, disorderly Persons, Vagrants, Beggars, and such other Persons as shall be found misbehaving themselves; and shall take them, as soon as conveniently may be, before the Baillie of *Alloa*, the Sheriff, or One of His Majesty's Justices of the Peace for the County of *Clackmannan*, to be examined and dealt with according to Law; and they shall during the Time of their being on Duty use their utmost Endeavours to prevent Mischief or Damage from or by Fire.

Punishing
Watchmen
misbehaving.

IX. And be it further enacted, That if such Watchmen or Patroles, or any of them, shall not observe, perform, and keep the lawful Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Trustees, or shall in any Manner neglect their Duty or misbehave themselves, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings Sterling, and if the said Trustees think proper be immediately discharged from his or their respective Office or Employment; and if any Victualler or Publican, or other Person selling or dealing in Spirituous or other Liquors, shall knowingly or wilfully entertain or harbour in his, her, or their House, or Habitation, or Shop, any Watchman or Patrole to be appointed under this Act, during any of the Hours or Times appointed for such Watchmen or Patroles to be on Duty by virtue or in pursuance of this Act, every Victualler, Publican, or other Person so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Enabling
Trustees to
reward
Watchmen,
&c.

X. And be it further enacted, That the said Trustees from Time to Time, if they shall see Cause, shall and may offer, pay, and apply, out of the said Monies to be levied and raised by virtue of the said recited Acts and this Act, such Sum and Sums of Money as they shall think proper as a Réward and Encouragement to Persons to discover, apprehend, or convict Offenders against the said Acts or this Act, or any or either of them, and also shall and may, by and out of the same Monies, or any of them, make such Compensation in Money to Watchmen and Patroles who shall or may be disabled, wounded, or hurt in the Execution of their Duty, as they the said Trustees shall think reasonable.

For making
a new Street.

XI. And whereas that Part of the Street leading from the Shore called the *Stripehead*, which connects *John Street* with the Street called the *Coalgate*, is steep, circuitous, and dangerous, and it would tend greatly to the Convenienc and Safety of Passengers if a Communication were made betwixt the said Street called the *Stripehead* and the Street called *Newmarket Street* by pulling down and removing the Houses and Premises

mises described in the Schedule hereto annexed ; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, when they find their Funds will admit of it, to contract and agree for, and to purchase, in the Manner directed by the said last recited Act, the said several Houses and Premises in the several Occupations of the Persons mentioned in the said Schedule, or being the Property or in the Occupation of whomsoever the same may be at the Time of Purchase, or so much and such Part of the same as shall be necessary for the Purpose aforesaid, and thereupon to take, pull down, or cut through the said several Houses and Premises for making and opening the said Communication betwixt the *Stripehead* and the *Newmarket Street* ; the said Trustees always making Recompence and Satisfaction to the Owners and Occupiers of the said Houses and Premises, in Manner directed by the said last recited Act.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, when and as they shall judge necessary for the Purpose aforesaid, to borrow any further Sum or Sums of Money not exceeding in the whole the Sum of Two thousand five hundred Pounds Sterling, in addition to the Sum of Three thousand Pounds Sterling, which by the said last recited Act they are authorised to borrow ; and which additional Sum, or such Part thereof as the said Trustees shall find it necessary to borrow, shall be and are hereby charged upon the Credit of the Rates and Assessments to be raised and levied by virtue of the said recited Act and this Act.

For borrow-
ing Money.

XIII. And be it enacted, That a Book or Books shall be kept by the Treasurer or Treasurers appointed by the said Trustees, wherein shall be fairly entered an Account of all Monies to be raised and levied by virtue of the said last recited Act and this Act, and how the same have been applied ; which Account shall be regularly balanced and docqueted Yearly on the First *Monday* after the Term of *Candlemas*, or within Twenty Days thereafter ; and a Copy of the Account shall immediately after the same shall be so docqueted be lodged in the Office of the Sheriff Clerk of the County of *Glackmannan*, where it shall remain for the Space of Fourteen Days for the Inspection (without Fee or Reward) of all Persons contributing to the aforesaid Assessments.

Book of
Accounts to
be left.

XIV. And be it further enacted, That all the Powers and Provisions of the said Acts not hereby altered, varied, or repealed shall be and the same are hereby extended to this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

Extending
Powers of
former Act.

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

In case of
not making
out Titles,
or Persons
entitled not
being found.

[Local.]

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be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *Scotland*, or 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, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts of 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 Sum or Sums of Money as aforesaid.

Persons in Possession presumptively entitled.

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the said Banks in pursuance of this Act for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements and Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, 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.

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

XVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, 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 the said Acts or this Act, or so much
of

of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XVIII. And be it further enacted, That all Sheriffs, Justices of the Peace, and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executioners of the Law whatsoever, and every of them, are hereby required to be aiding and assisting in putting this Act in due and effectual Execution; and that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such without being specially pleaded. Public Act.

SCHEDULE to which this Act refers.

A Dwelling House and back Court behind the same at the Stripehead, the Property of Malcolm Boyd, and possessed by David Marshall, Innkeeper.

A Dwelling House at the Stripehead, the Property of Dr. Charles Morrison, and possessed by John Ferguson, Farmer in Alloa.

Two Dwelling Houses and Gardens behind the same on the West Side of the Coalgate, belonging to Andrew Briggs, and possessed by him and William Briggs, John Johnstone, and Hannah Gow, his Tenants.

A House and Garden on the West Side of the Coalgate, belonging to Mrs. Stupart, and occupied by her and David Millar, Daniel Carmichael, and James Martin.

A small House on the West of the Coalgate, called the Cast House, belonging to and occupied by John Millar, Founder in Alloa.

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