



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xliii.

An Act for more effectually paving the Streets of the City of *Perth*; for the better lighting, watching, and cleansing the said City and Suburbs thereof; for maintaining and regulating the Police of the same; and for other Purposes relating thereto. [14th *June* 1839.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving, lighting, and cleansing the City of Perth, and for maintaining Police and good Order within the said City*: 51 G. 3. c. 34. And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty, intituled *An Act for altering and amending an Act of the Fifty-first Year of His present Majesty, for paving, lighting, and cleansing the City of Perth, and for maintaining Police and good Order within the said City*: 59 G. 3. c. 72. And whereas the Powers, Regulations, and Provisions contained in the said recited Acts have been attended in many respects with beneficial Results, although in others, and particularly in so far as they are limited to the ancient Boundaries of the said City, such Regulations and Provisions are defective, and require Alteration and Amendment: And whereas it is of great Importance that the said Acts should be repealed, and other Powers and Provisions granted for paving the Streets

[*Local.*] 11 B of

of the said City, and for the better lighting, watching, and cleansing the said City and Suburbs, and Vicinity thereof, and for maintaining and regulating the Police of the same, whereby the Security, Comfort, and Convenience of the Inhabitants of the said City, Suburbs, and Vicinity would be greatly promoted; but as these Purposes 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 Queen'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and after the Seventh lawful Day after the passing of this Act the said recited Acts shall be and the same are hereby repealed.

Recited
Acts
repealed.

Property
vested in
Commis-
sioners for
this Act.

II. And be it enacted, That all the Estate and Effects, Heritable and Moveable, Real and Personal, acquired by the Commissioners acting under the Authority of the said recited Acts or either of them, which shall be in their Possession or under their Control on the said Seventh lawful Day after the passing of this Act, and all Debts due to the said former Commissioners, and all the Rates, Assessments, and Monies made and levied by them under the Authority of the said recited Acts or either of them, and all the Arrears of the same, shall be and the same are hereby vested in and shall be paid and payable to the Commissioners to be appointed under the Authority of this Act, and all the Records of the Proceedings of the said former Commissioners or of the Police Court, and of all other Proceedings whatsoever under the said recited Acts or either of them, shall continue as probative as if the said Acts had not been repealed; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements made and entered into by the said former Commissioners, to or with any Person, according to the Provisions and Conditions of the said Acts or either of them, shall remain in full Force and Effect, and be and continue valid in the Law, and available in all Courts, until the same are fully paid and satisfied, performed and discharged, and the same shall be charged and chargeable upon the Rates and Assessments to be levied and the Sums to be borrowed under the Authority of this Act; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements made or entered into by any Person to or with the said former Commissioners, and all Debts owing to them, according to the Provisions and Directions of the said recited Acts or either of them, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Bye Laws, Rules, and Regulations made by the said former Commissioners, and the Penalties for Contravention thereof, shall continue in full Force and Effect for Six Months after the passing of this Act, unless previously altered in virtue of the Powers and Authorities by this Act granted; and all Judgments and Proceedings in the Police Court constituted by the said recited Acts or either of them shall continue effectual to all Intents and Purposes; and all Claims, Demands, Pleas, or Defences competent to or already made or stated in any Action at Law by any Person under or by virtue of the said

said Acts or either of them shall remain entire and unaffected by the passing of the present Act, as if the said recited Acts had not been repealed.

III. And be it enacted, That the whole Powers and Regulations herein-after contained for the Establishment of a general System of Police, and for other Purposes, shall, excepting in so far as the same are expressly restricted by this Act, extend over and be exercised within the Limits following; *videlicet*, within a Line commencing at the River *Tay* at a Point where the March meets between the *North Inch* and the Lands of *Muirtown*; from thence West and South along said March, and along the March between the said *North Inch* and the Lands of *Balhousie*, till it arrives at the March betwixt the Lands of *Blackfriars* and the Lands of *Balhousie*, and Westward along the last-mentioned March to the *Crieff* Turnpike Road; across the said Road to the North-east Wall inclosing the Cavalry Barracks, and Westward along the said Wall straight to the North-west Corner of the Westmost House on the Grounds of *Playfields*; from thence directly Southward to and including the South-westmost House in the Lands called *Earl's Dykes*; from thence South-east by a straight Line to the Bridge of *Craigie*; from thence Eastward along the Course of *Craigie Burn* to the small Bridge at the South-west Corner of the *South Inch*; from thence South-east by another straight Line to the River *Tay* at the South Corner of *Friarton Pier*; and from thence Northward along the said River, including the Tide Harbour and Sand Island, to the County Buildings of *Perth*; from thence across the River *Tay* by a straight Line to the old Parish Church of *Kinnoul*; from thence North-east by the Road leading from the said Church to *Mount Tabor* to the Point at which the said Road is intersected by the Road leading from *Bower's Well* to the Hill of *Kinnoul*; from thence across the Eastern Boundary of the Property of *Croftangry*, belonging to *George Gray Esquire*, till it joins the Property of *Mrs. Stewart of Annat Lodge*; from thence along the Eastern Boundary of that Property to the March betwixt *Pitcullenbank* and *James Murray's Royal Asylum*; from thence along the Northern Boundary of the Grounds of *Pitcullenbank* till it joins the Road leading from *Perth* to *Gannochy*; from thence by a straight Line to the *Coupar Angus* Toll Bar, and from thence by a straight Line crossing the said River in an oblique Direction to the foresaid Point where the March meets between the *North Inch* and the Lands of *Muirton*, at which the Line commences as aforesaid; and the Powers of the said Commissioners shall not be held nor interpreted to extend beyond such Limits, excepting in those Cases where such Powers are specially extended beyond the same in Manner herein-after mentioned.

Bounds to which this Act extends.

IV. And be it enacted, That for the more effectual Execution of the Powers hereby granted the Places within the said City and Suburbs thereof, before described, shall be divided into the following Districts or Wards; *videlicet*,

Division into Districts or Wards.

WARD FIRST to consist of that Portion of the said City which is included within the following Boundary; *viz.*, Beginning at the Junction

Junction of the *Watergate* with the *High Street*; Southward along the *Watergate* to the *South Street*; thence Westward along that Street to the *Meal Vennel*; thence Northward along the said *Meal Vennel* to the *High Street*; and thence Eastward along that Street to its Junction with the *Watergate*:

WARD SECOND to consist of that Portion of the said City which is included within the following Boundary; *viz.*, Beginning at the West End of *Perth Bridge*; from thence Southwards along *George Street* and the *Watergate* till it reaches the *South Street*; thence Westward along that Street to the *South Street Port* where the South Branch of the Town's Mill Lead crosses the same; and from thence Southward, following the Course of that Branch of the Lead which runs along the West and South Sides of the *South Inch*, until it reaches the River *Tay*; and Northward along the River to *Perth Bridge*:

WARD THIRD to consist of that Portion of the said City which is included within the following Boundary; *viz.*, Beginning at the River *Tay* immediately above *Perth Bridge*; from thence Northward along the said River to the March between the *North Inch* and the Lands of *Muirton*; from thence West and South along said March, and along the March between the *North Inch* and the Lands of *Balhousie*, from thence following the Course of the *Balhousie* Branch of the Mill Lead to the Point where it crosses the *North Port Street*; from thence along the *North Port* and *Curfew Row* to *Mill Street*; thence Eastward along *Mill Street* to the *Old Guard Vennel*; thence Southward along that Vennel to the *High Street*; thence Eastward along the *High Street* to *George Street*, and from thence along *George Street* to the Point at the River, above *Perth Bridge*, first mentioned:

WARD FOURTH to consist of that Portion of the said City which is included within the following Boundary; *viz.*, From the *South Street Port*, Eastward, along the *South Street* to the *Meal Vennel*; thence Northward along that Vennel to the *High Street*; thence Eastward along that Street to the *Old Guard Vennel*; thence Northward along that Vennel to *Mill Street*; thence Westward along that Street to *Methven Street*; and thence Southward along *Methven Street* to the said *South Street Port*:

WARD FIFTH to consist of that Portion of the said City and Suburbs which is included within the following Boundary; *viz.*, From the West End of *Mill Street*, Northward, along *Methven Street* to *Atholl Street*; thence Westward along *Atholl Street* or *Barrack Street* to the Cavalry Barracks; and thence along the *Crieff Turnpike Road* to the March between the Lands of *Blackfriars* and the Lands of *Balhousie*; from thence Eastward along the said March till it arrives at the March between the *North Inch* and the Lands of *Balhousie*; and from thence following the Course of the *Balhousie* Branch of the Mill Lead to the Point where it crosses the *North Port Street*; from thence along the *North Port* and *Curfew Row* to *Mill Street*; and thence Westward along *Mill Street* to the Point at the West End thereof where the Boundary of this Ward commences as aforesaid:

WARD

WARD SIXTH to consist of all those Parts of the said City and Suburbs locally situate on the West Side of the River *Tay* which are comprehended within the Bounds of Police before described, but are not included in any of the foresaid Wards :

WARD SEVENTH to consist of those Parts and Portions of the said Bounds of Police which are locally situate on the East Side of the River *Tay*.

V. And be it enacted, That it shall and may be lawful to the said Commissioners, at any of the stated Quarterly Meetings to be held in manner herein-after provided, to alter the said Wards, by adding to or diminishing any of them, as to the said Commissioners may appear to be necessary or expedient; and the Boundaries of the several Wards to be fixed by the said Commissioners shall thenceforth be held to be the true Boundaries thereof, till again altered: Provided always, that no Alteration of any of the Wards shall be made unless Intimation has been given and recorded at a previous Meeting of the Intention to propose such Alteration: Provided also, that all the Boundaries of the Wards shall be held to run along the Centres of the Streets, Roads, Lanes, Vennels, or Places by which they are described to be bounded.

Commissioners may alter the Wards;

VI. And be it enacted, That in order that those Wards or Parts of Wards, if there be any such within the Limits of the said City and Suburbs before described, which the Commissioners under this Act may not find it expedient to watch, light, and cleanse, may not be assessed under the present Act for these Purposes, it shall be lawful to the said Commissioners, and they are hereby authorized and empowered, at their Meeting to be held annually as after mentioned, for the Purpose of ascertaining and imposing the Assessments to be made for the Purposes of this Act for the Year, to exclude for such Year any Places, Grounds, or Houses within the foresaid Limits from all or any of the Regulations hereby established or authorized in regard to lighting, or watching, or cleansing; declaring always, that any such Grounds, or Houses, or Places, if so excluded from all of the said Regulations, shall during the Continuance of such Exclusion be free from Payment of the corresponding Assessment by this Act authorized to be levied, as the same shall be ascertained by the annual Estimates to be made up as herein-after directed; but in the event of any such Grounds, Houses, or Places being only partially excluded, then such Grounds, Houses, or Places so partially excluded shall be liable in Payment of such Part of the Assessment herein-after appointed to be levied as shall be fixed and determined by the said Commissioners; and declaring also, that although such Places, Grounds, or Houses shall be excluded from any of the Regulations as to lighting, cleansing, or watching, or any of them, and exempted from the corresponding Assessment, yet they shall in other respects continue subject to all the other Regulations which are hereby established, or which may be established under the Powers herein contained.

or exempt any Portion thereof from Assessments.

VII. And be it enacted, That until the First *Wednesday* after the First Election of Commissioners under this Act the Commis-

Commissioners under former Acts

[Local.]

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sioners

to remain
till others
are ap-
pointed.

sioners qualified and elected in Terms of and under the said recited Acts shall be and are hereby appointed and continued Commissioners for the Purposes of this Act.

Commis-
sioners ex-
officio and
to be
elected.

VIII. And be it enacted, That the Commissioners for carrying this Act into execution shall be Twenty-eight in Number; *videlicet*, the Lord Provost of the City of *Perth*, the Four Bailies and Treasurer of the said City, the Sheriff of the County of *Perth*, and Sheriff-Substitute of the Eastern District of *Perthshire*, both for the Time being, Three Commissioners for each of the foresaid Wards, excepting the Seventh, and Two Commissioners for the said Seventh Ward; and the said Commissioners for Wards shall be qualified, elected, and chosen in manner herein-after mentioned.

Commission-
ers when to
be elected.

IX. And be it enacted, That the First Commissioners to be elected under this Act for each of the said Wards shall be elected on the Third *Wednesday* of *November* One thousand eight hundred and thirty-nine, and shall come into Office on the First *Wednesday* thereafter, and remain in Office until the Fourth *Wednesday* of *November* One thousand eight hundred and forty, when they shall go out of Office, and their Places shall be supplied by Three Commissioners for each Ward, excepting as aforesaid, and by Two Commissioners for the said Seventh Ward, all to be elected on the Third *Wednesday* of *November* One thousand eight hundred and forty; and on the Third *Wednesday* of *November* annually thereafter there shall be an Election of Three Commissioners for each Ward, excepting as aforesaid, and of Two Commissioners for the said Seventh Ward, all of whom shall enter upon Office on the next *Wednesday* thereafter, and continue in Office till the Fourth *Wednesday* of *November* in the Year following.

Qualifica-
tions of
Electors and
Commis-
sioners.

X. And be it further enacted, That all and every Person within the said several and respective Wards who shall stand assessed therein and be liable to pay any of the Rates herein-after mentioned upon a free yearly Rental of Five Pounds shall have and be entitled to a Vote in the Election of Commissioner or Commissioners for the Ward within which he or they is or are assessed to the Extent aforesaid, either in the last Rent Roll made by or under Authority of the Commissioners under the said recited Acts, or in the first or any subsequent Rent Roll to be made by or under Authority of the Commissioners for executing this Act, such Rent Roll being in force at the Time; and that every Person who shall stand possessed of and be liable to pay the said Rates upon a free yearly Rental of Ten Pounds shall and may and is hereby declared qualified to be elected and chosen a Commissioner for the Ward, District, or Division within which he is assessed to that Extent in the Rent Roll last made up previous to such Election, and in force at the Time: Provided always, that if any Person shall be in the Occupation of Property situate in Two or more Wards which separately would not entitle him to elect or be elected a Commissioner, but together would afford him a Vote or qualify him to be elected, he shall be entitled to have the same estimated *in cumulo*, so as to entitle him to vote or to be elected in or for the Ward where the Property liable to the highest Assess-

Assessment is situated, or in case of Equality in such Ward in which he shall declare his Option to vote or be elected, in Writing to the Clerk of the Commissioners, Ten Days at least previous to the Day of Election.

XI. Provided always, and be it enacted, That no Person shall have more than One Vote for each of the said Commissioners in any One Ward, without Prejudice to his voting in any other Ward or Wards within which he may be liable to be assessed; and provided also, that Persons going out of Office in manner by this Act directed shall be capable of being re-elected.

No Persons shall have more than One Vote: Commissioners may be re-elected.

XII. Provided further, and be it enacted, That in the Election of the said Commissioners any Company or Companies holding and occupying Property within the said Limits assessed to the Extent entitling an Individual to vote shall be entitled to exercise the said Right in the Election of Commissioners by the Vote of either the Managing Partner or of any other Partner duly authorized, and in like Manner any Partner of such Company or Companies holding and occupying Property assessed to the Extent which entitles an Individual to be chosen Commissioner shall be eligible as a Commissioner for the Purposes of this Act.

Rights of Companies in Election of Commissioners.

XIII. And be it enacted, That no Person shall be eligible as a Commissioner, or entitled to vote at the Election of Commissioners, who shall have been relieved from the Assessment made on him for the Purposes of this Act or the said recited Acts for the current Year, or Year immediately preceding, on the Ground of Inability to pay the Assessment, or who shall be at the Time of the Election in arrear for any Part of the current or any previous Year's Assessment, at least One Month having elapsed from the Day when the same was payable, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be a sufficient Evidence of such Relief or Arrear.

No Person in arrear of Assessment to vote or be elected.

XIV. And be it enacted, That on the Day before specified in this and every subsequent Year the Persons entitled to vote as herein provided within each respective Ward shall assemble at such Hour and Place as the said Commissioners shall from Time to Time fix and determine, of the Times and Places of which Meetings Intimation shall be given by the Clerk of the Commissioners, by Advertisement in the preceding Week in any Newspaper then published in *Perth*, and by printed Handbills, and shall then and there elect the Number of Commissioners hereby required from each Ward; and at such Meetings the Majority of Votes of the qualified Members (the Preses, in case of Equality, having the casting Vote, in addition to his deliberative Vote,) shall, as to the Election of Commissioners for each several Ward, be final and decisive; and such Votes shall be taken either by Ballot, by calling the Roll, or by a Show of Hands, and under such Regulations as before proceeding to the Election each Meeting shall determine; and it shall be the Duty of the Clerk of the Commissioners,

Mode of Procedure at Elections.

missioners, or of a Substitute, whom he is hereby authorized to appoint, to attend all such Meetings, and to make up a formal Minute of the Proceedings thereof.

Penalty for obstructing Voters, and on unqualified Persons voting.

XV. And be it enacted, That in case any Person shall at any Time obstruct, hinder, or molest any Elector qualified to vote in manner herein directed in giving such Vote, every Person so offending shall forfeit the Sum of Twenty Shillings for each Offence; or in case any Person shall give, offer, or promise to any Elector any Reward or Bribe in order to procure the Vote of such Elector for any Person, or shall be guilty of treating any Elector in order to that End, every Person so offending shall forfeit a Sum not exceeding Five Pounds for such Offence, *toties quoties*, besides becoming disqualified from holding the Office of Commissioner under the Elections of that Year; and in case any Person not qualified to vote as herein provided shall nevertheless vote at the Election of Commissioners, every Person so offending shall be liable in a Penalty not exceeding Five Pounds for each Offence, *toties quoties*; which Penalties may be sued for by a summary Application before and recovered in the Police Court hereby constituted, at the Instance of the Clerk to the Commissioners, or any Person assessed within the Ward.

Provision where any Person is elected for more than One Ward.

XVI. Provided always, and be it enacted, That in the event of any Person liable to serve being elected a Commissioner for more than One Ward he shall act for One Ward only, but he shall be entitled to make Choice of the Ward in which he shall act, by signifying such Choice to the Clerk to the Commissioners within Six Days after his being so elected, and failing his doing so the Commissioners shall declare the Ward for which such Person shall act.

Provision for Vacancies.

XVII. And be it enacted, That in case the Electors of any of the said Wards shall refuse or neglect to elect Commissioners for the same at the Time fixed for the Election, or in case the Place of any of the Commissioners of any of the Wards shall become vacant by Refusal to act, or by the Commissioner elected having chosen or been appointed to act for a different Ward, or by Death or Resignation, or in any other Way, then and in any such Case it shall be lawful for the said Commissioners to nominate and appoint Commissioners qualified in manner herein directed for the said Wards for which Elections shall not have been made, or to supply such Vacancies, and these Persons, when so nominated and appointed, shall have and enjoy the same Powers and Privileges, and shall remain in Office until the next General Election, in the same Way as if they had been elected by the Occupiers or Possessors of Houses, Shops, Warehouses, and other Buildings and Places liable to be assessed as aforesaid in their respective Wards in manner herein directed.

Commissioners not to hold Places of Profit.

XVIII. Provided always, and be it enacted, That none of the Commissioners for the Purposes of this Act shall be capable of acting as such during the Time he shall enjoy any Office of Profit under this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; but declaring that although any Contract shall be entered into between the said Commissioners and any Com-
pany

pany already established or which may be established for lighting the said City and Suburbs thereof with Gas, nevertheless no Person shall, by reason of being a Partner or Member of such Company, be disqualified from being elected or acting as a Commissioner under this Act.

XIX. And be it enacted, That it shall be the Duty of the said Commissioners and they are hereby authorized and empowered to estimate, assess, levy, and apply the Sums of Money authorized to be raised and received for the Purposes of this Act; to appoint Treasurers, Collectors, Clerks, Surveyors, Superintendents or Inspectors of Police, Lieutenants, Sergeants, Watchmen, Scavengers, and other inferior Officers to be employed within the said City and Suburbs in the Execution of this Act, and to remove them at Pleasure, to fix the Salaries and Wages to be paid to them; and to increase or diminish their Numbers from Time to Time as they shall see Cause; to make Rules and Regulations relative to the conducting of the Elections of Commissioners under this Act, and in regard to the paving, lighting, cleansing, guarding, watching, and patrolling of the Streets, and also in regard to the calling of Auctions or Sales at Shop Doors, or in the public Streets, Courts, or Passages, and the exposing of Goods at Shop Doors; the loading and unloading of Vehicles upon the public Streets or Places; Dog and Cock fighting; baiting of Badgers or other Animals; Cruelty to Animals; blowing or pricking of Butcher Meat; mad or strayed Dogs, and strayed Cattle or Bestial of every Description; the keeping of Dogs and Swine, or Depôts of Rags and Bones; the Cleanliness, Comfort, and Security of common Areas and Stairs; sticking Bills on private or public Buildings; blowing of Horns; and generally the Preservation of Peace, Quiet, Decency, and good Order, and the Prevention or Suppression of Nuisances within the said City and Suburbs; and to exact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings, excepting where a higher Penalty or other Punishment is authorized by this Act; and to execute the whole other Matters specified in this Act, and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to any thing in this Act contained, and shall previously to being acted upon be approved of by the Sheriff of the County, and shall be fixed upon Boards, and hung up in some conspicuous Place in the Police Office and in the Police Court, and when they become illegible fresh Copies of the same shall be fixed up as aforesaid.

Powers and Duties of Commissioners.

XX. Provided always, and be it enacted, That the Clerk, Inspector of Works, Collector, Surveyor, Superintendent, and all other Officers who have been appointed under and been employed in the Execution of the said recited Acts, except the Treasurer, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed or be incapable of executing their Offices, and shall have the same Powers, and perform the like Duties, and be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Former Officers continued.

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XXI. And

Clerk and
Treasurer to
be different
Persons.

XXI. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks or his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act; or if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of the Treasurer or Treasurers, or in any Manner officiate for the Treasurer or Treasurers; or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or any other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Notices and
Constitution
of Meetings
of Commis-
sioners.

XXII. And be it enacted, That Intimation shall be given to every Commissioner to attend all Meetings, both special and stated and adjourned, by printed or written Notices sent under such Regulations as shall from Time to Time be directed by the said Commissioners; and that the Lord Provost of *Perth* for the Time, and in his Absence such One of the said Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the said Commissioners, and shall have a deliberative, and also, in case of Equality, a casting Vote, in all Matters and Questions which shall come before them: Provided always, that Seven of the said Commissioners must be present at all Meetings to constitute a Quorum.

Stated
Meetings.

XXIII. And be it enacted, That the Commissioners under this Act shall hold their First General Meeting on the Fourth *Wednesday* of *November* next after the passing of this Act, and that afterwards Four Quarterly Stated Meetings shall be held on the Fourth *Wednesday* of the Months of *February*, *May*, *August*, and *November* in each Year, at Ten o'Clock Forenoon, for putting this Act and the Powers hereby committed to the said Commissioners in execution, which Meetings shall be held in such Place within the said City as the said Commissioners shall from Time to Time appoint.

Special
Meetings
how to be
called.

XXIV. And be it enacted, That the Clerk to the said Commissioners, on Requisition being made to him by any Three Commissioners, shall appoint Special Meetings of the said Commissioners to be called
within

within Forty-eight Hours and held within Four Days after such Requisition; and that it shall be in the Power of the Lord Provost of the said City, or acting Chief Magistrate thereof for the Time, to appoint Special Meetings of the said Commissioners to be held at such Times and Places within the said City as may to him seem necessary or expedient for the Purposes of this Act, the Notices always stating the Object of such Meetings, and that they are called by Order of the said Lord Provost or acting Chief Magistrate.

XXV. Provided always, and be it enacted, That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Stated Quarterly Meetings hereby appointed to be held.

Special Meetings not to annul Rules made at Stated Meetings.

XXVI. And be it enacted, That the said Commissioners, or a Majority of the Quorum of them present at any of the said Meetings, may adjourn the same to any other Day and Hour and to any other Place within the said City, but it shall not be competent at any such Adjourned Meeting to alter or annul any Act or Resolution adopted or passed at the Meeting which was so adjourned: Provided always, that in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act to any further or other Effect, shall have the Power of Adjournment to such other Day as they may judge fit.

Meetings may be adjourned.

XXVII. And be it enacted, That the said Commissioners at any Meeting may also appoint Committees of their own Number for carrying the Purposes of this Act or any Part of them into execution, and for that End to delegate such of the Powers hereby committed to the said Commissioners as they may consider necessary.

Committees.

XXVIII. And be it enacted, That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expences.

Commissioners to defray their own Expences.

XXIX. And be it enacted, That the said Commissioners may sue or be sued for any thing done or ordered by or competent to or incumbent on them in virtue of this Act, in the Name of their Clerk for the Time being; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in Name of their Clerk, by virtue of this Act, shall cease or abate by the Death or Removal of any such Clerk, but that the Clerk to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action.

Commissioners to sue or be sued in Name of their Clerk.

XXX. And be it enacted, That the said Commissioners, at a Meeting to be held as soon after the passing of this Act as may be, and annually thereafter at the Quarterly Meeting to be held on the Fourth *Wednesday* of *August*, or at any other Meeting which may be called and held for the special Purpose, shall estimate and fix, and they are hereby authorized and required to estimate and fix, the Sums of Money necessary to be levied for the then current Year for the different

Expences to be estimated.

different Purposes of this Act; (that is to say,) first, for the progressive Liquidation of the Debt which shall have been contracted and remain due by the Commissioners under the said recited Acts at the Date of the passing of this Act, and the Interest thereof, or of the Sums to be borrowed by the Commissioners to pay off the same, and the Interest of the Sums to be so borrowed; secondly, for paving and repairing the Streets, Squares, Roads, Passages, and other Thoroughfares of the said City situate within the ancient Territory, Royalty, and Jurisdiction of the same, and for making and upholding Drains, Common Sewers, and Water Channels therein; and, thirdly, for watching, lighting, and cleansing the said City and Suburbs, for the Maintenance of a general Police Establishment within the Limits and Boundaries before described, and for carrying into effect the general Purposes of this Act: Provided always, that the Annual Assessments leviable under this Act shall be calculated from *Whitsunday* to *Whitsunday* yearly, and shall be payable immediately after they shall be imposed, and shall, notwithstanding the Date of the passing of this Act, commence as at the Term of *Whitsunday* in this present Year for the Year following.

Power to
assess.

XXXI. And be it enacted, That at the said Quarterly Meeting to be held on the Fourth *Wednesday* of *August* annually, or at any other Meeting which may be called and held for the special Purpose, the said Commissioners shall assess and are hereby authorized and required to assess (excepting as herein provided) all Occupiers and Possessors of Dwelling Houses, Cellars, Vaults, Shops, Warehouses, Mills, Breweries, Manufactories, and other Buildings, and all Timber Yards, Coal Yards, Stone Yards, and Lime Yards, and all other Places where Goods or other Property are or is deposited or Business is carried on, and the Pertinents thereof, within the Bounds over which the Powers and Provisions of this Act extend, according to the several Rates following; (that is to say,) where the said assessable Premises are situate within the ancient Territory, Royalty, and Jurisdiction of the said City, in a Sum not exceeding Four-pence upon the Pound of the Amount of Yearly Rent or Value of the said Premises, as the same shall be ascertained in manner directed by this Act, which Rate shall be termed the "Royalty Rate;" and where the said assessable Premises are situate either within or without the said ancient Territory, Royalty, and Jurisdiction, but within the Bounds of the said City and Suburbs thereof, according to the Limits herein-before particularly described, in a further and additional Sum not exceeding Nine-pence upon the Pound of the said Amount of Yearly Rent or Value, which last shall be termed the "General Rate;" and the said several Rates shall be applied by the Commissioners as is herein-after directed and provided, and no otherways.

Application
of Rates.

XXXII. And be it enacted, That a Sum not exceeding One Fourth Part of the net Proceeds of the Assessment to be levied in Name of "Royalty Rate" shall be annually applied by the said Commissioners towards the progressive Liquidation of the Debt which shall have been contracted by the Commissioners under the said recited Acts, and remain due at the passing of this Act, and the Interest thereof, and that either by making Payment of such Sum to the Person or Persons
to

to whom such Debt and Interest may be due, or placing the same in satisfaction and extinction *pro tanto* of such Sums and the Interest thereof as shall be borrowed by the Commissioners under this Act for the Purpose of paying off the said Debt and Interest, until the same shall be fully satisfied and paid; and the remaining Part of the net Proceeds of the said Royalty Rate shall be applied by the said Commissioners in paving, metalling, macadamizing, repairing, and keeping in repair the public Streets, Squares, Roads, Passages, and other Thoroughfares within the Royalty of the said City, and defraying the Expences connected with the Drains, Common Sewers, and Water Channels therein, the Lord Provost, Magistrates, and Town Council of *Perth* being bound, as they are hereby specially taken bound, out of and from the Revenues and Common Good of the said City, to pay to the said Commissioners from Time to Time such further Sum (not exceeding in any One Year the Sum of Two hundred Pounds, which they have hitherto been in use to pay over, unless they shall think it proper and for the Advantage of the Community to award a larger Sum,) as may be ascertained to be necessary beyond the Assessment hereby authorized for the due and suitable Execution of these Purposes: Provided always, that so soon as the said Debt contracted by the said former Commissioners, and Interest thereof, or Sums to be borrowed to pay off the same, and the Interest of the Sums so to be borrowed, shall be fully satisfied and paid, the Assessment to be thereafter levied in Name of "Royalty Rate" shall not exceed the Sum of Three-pence upon the Pound of the Amount of Yearly Rent or Value of the foresaid assessable Premises within the said Royalty; and the net Proceeds thereof shall be wholly applied by the said Commissioners in paving, metalling, macadamizing, repairing, and keeping in repair the foresaid Streets, Squares, Roads, Passages, and other Thoroughfares, and defraying the Expences connected with Drains, Common Sewers, and Water Channels within the said Royalty; and the net Proceeds of the Assessment to be levied in Name of "General Rate" shall be applied in defraying the Expences of watching, lighting, and cleansing the said City and Suburbs, and maintaining Police and good Order therein, and generally to all and every Purpose authorized by this Act, saving only and excepting those for which the said Royalty Rate is provided.

XXXIII. And be it enacted, That in order to ascertain the Yearly Rents and Values of all Premises hereby ordered or authorized to be assessed, the Surveyor appointed or to be appointed by the said Commissioners, and who shall be sworn to administer his Office faithfully according to his Judgment and Knowledge, shall have Power, the Term of *Whitsunday* being first come, to survey and report upon the Rent or Yearly Value of such Premises, or, as the said Commissioners may direct, to call on the Landlords, Tenants, Occupiers, and Possessors of all such Premises to make Returns of the Yearly Rents or Yearly Value thereof, and in default of such Returns being made to survey and report upon the Yearly Rents or Yearly Value of all such Premises; and where such Surveyor cannot readily ascertain the Name of the Occupier or Possessor of Premises liable to Assess-

Surveyors
to be
appointed.

[*Local.*]

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ment,

ment, he shall have Power to call on the Landlord of such Premises to specify in Writing who the Occupier or Possessor is, and in default of the Landlord making such Specification within Two Days thereafter he shall be liable to be assessed for that Year for such Premises; with Recourse at Law against the actual Occupier or Possessor; from which Returns to be made to and the Surveys and Reports to be made by such Surveyor the said Commissioners shall cause such Surveyor, or the Collector of the Assessments to be imposed under this Act, or some other proper Person, to make up a Roll of the Yearly Rents or Values of all the Dwelling Houses, Shops, Warehouses, Cellars, Vaults, Manufactories, and other Buildings and Places liable to be assessed, with the Names of the Persons liable to Assessment.

Notices of Assessments.

Roll to be corrected.

XXXIV. And be it enacted, That such Roll of Yearly Rents or Values shall be made up in the present Year One thousand eight hundred and thirty-nine, and in every future Year, on or before the last Day of *July*, and after it is made up a printed Notice shall be left at the Dwelling House or Place of Business of every Person to be assessed and having a Dwelling House or Place of Business within the Bounds over which the Assessment is to extend for that Year, and otherwise shall be left at or within the Premises to be assessed, specifying the Rent or Value upon which such Assessment is to be made; and upon some convenient Day to be fixed by themselves, and of which Intimation shall be given in the said printed Notice, the said Commissioners shall meet for the Purpose of considering and amending the said Roll of the Rents or Yearly Values of the Premises liable to be assessed; and for at least Eight Days before such Meeting the said Roll shall lie in some public and convenient Place, to be fixed by the said Commissioners, and of which Notice shall be given in the printed Notices aforesaid, open for the Inspection of all Persons liable to be assessed; and Notice of the Time and Place fixed for such Meeting shall be given also by Advertisement inserted in One Newspaper published in *Perth* at least Seven Days before the Day of Meeting; and at least Four Days before such Meeting all those considering themselves in any way aggrieved by the said Roll, and intending to complain, shall lodge written Appeals or Complaints in the Hands of the Clerk to said Commissioners; and at the said Meeting the said Commissioners shall hear and consider the Cases of all those who may consider themselves aggrieved, and shall have appealed or complained as aforesaid, and shall alter and amend the Roll, either by reducing the stated Rents or Yearly Values when they consider them to be stated higher than they ought to have been, or by increasing them when they consider them to be stated too low, as they shall see Cause; but in case any of the Rents or Yearly Values of any of the Premises shall be increased beyond what was specified in the Notice, then another Notice shall be given to the Person liable in Assessment for such Premises; and the Commissioners shall meet on a subsequent Day to hear and consider the Case of such Persons, in case they shall consider themselves aggrieved, and finally fix the Amounts; and such Rolls shall thereafter be authenticated as the said Commissioners shall direct, and the Assessment shall be levied according thereto.

XXXV. And

XXXV. And be it enacted, That if any Premises which shall be unoccupied at the Time of laying on the general Yearly Assessments under this Act shall afterwards during the Currency of that Year, become occupied, the said Commissioners shall, at any Meeting, stated, special, or adjourned, assess the same for the remaining Part of the then current Year, printed Notices of the intended Assessment being left for the Persons to be assessed in manner foresaid at least Seven Days before such Meeting, and such Notice specifying the Day of the Meeting for laying on the Assessment.

Unoccupied
Premises
becoming
occupied
during the
Year.

XXXVI. And be it enacted, That when, from Oversight or Error, any Assessment shall have been laid on in a wrong Name, or otherwise erroneously, the Person erroneously assessed shall be entitled to be relieved from such Assessment, on Proof of the Error to the said Commissioners at any Time, and it shall be lawful for the said Commissioners to impose the same on the Person truly liable, after printed Notice to such Person being left as aforesaid; and the Decisions of the said Commissioners in all Matters of Assessment under this Act shall be final and conclusive, and not subject to Review by any Court whatsoever.

Errors in
imposing
Assessments.

XXXVII. And be it enacted, That, except where otherwise herein provided, the said Assessment shall be levied from the actual Occupiers or Possessors of all Premises, whether Proprietors or Tenants; but in the Case of Warehouses for Grain, and also in the Case of all Warehouses, Cellars, Wood Yards, and other Premises bonded for Duties to Her Majesty, and also in the Case of Premises let to travelling Merchants, Hawkers, Auctioneers, Pedlars, or others, for a Space less than Half a Year, the Assessment may be levied from the Proprietor, who in that Case shall be entitled to sue for and recover the same, or a Proportion of the same corresponding to the Period of Occupation, from the Occupier of such Premises; and in case any Person, assessed under the general-Yearly Assessment (which shall always be for a whole Year) shall, under his Set or Lease, remove from the Premises before the Expiration of the Year, and shall pay the Assessment for such Year, he shall be entitled to deduct a just Proportion thereof corresponding to the remaining Period of the Year from the Rent payable to the Proprietor, who shall be liable for the said Proportion in case of the Removal of the actual Occupier or Possessor without Payment of the Assessment; but such Proprietor, in case he shall so give Deduction or make Payment of such Proportion, shall be entitled to sue for and recover such Proportion from the incoming Tenant, and Deduction shall be given of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any unfurnished House, Shop, or other Building shall be unoccupied.

Possessors
and Tenants
to pay As-
sessments.

XXXVIII. And be it enacted, That if any Person who shall be assessed under this Act shall refuse or neglect to pay the Assessments charged upon him for the Space of Ten Days next after such Assessments shall be due and demanded by the Collector entitled to receive the same, such Demand being made by a written or printed Notice,

Recovery of
Rates.

Notice, to be left at his Dwelling House or Place of Abode, or Shop or other Place of Business, in case such Person shall still have a known Dwelling House or Place of Abode, or Shop or other Place of Business, within the Bounds to which this Act extends, and in case such Person shall not have any such known Place of Abode or Place of Business, then at the Dwelling House or Place of Abode, or Shop or other Place of Business, last known to have been occupied by such Person within the said Bounds, it shall be lawful for the said Collector to apply to any of the Magistrates of the said City, or to the Sheriff of the County, or his Substitutes, if the Person deficient in Payment shall live within the said City, or to the Sheriff of the County, or his Substitutes, or any Two Justices of the Peace for the County, if such Person shall live without the City but within the County of *Perth*, and to the Sheriff or his Substitute or to any Two Justices of the Peace or other Magistrates in any other County of the United Kingdom to which such Person may have removed, for a Warrant to any of their respective Officers to enter the Houses, Shops, Manufactories, or other Places, and to seize, take possession of, and carry away the Goods and Effects of the Person so refusing or neglecting as aforesaid, or so much thereof as shall appear to be necessary, as after mentioned; and it shall be competent to the Magistrates of *Perth*, Sheriffs, and Sheriff Substitutes; or the said Justices or other Magistrates, and they are respectively hereby authorized and required, to grant such Warrant, upon a List of Defaulters being presented along with a relative Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of the Person or Persons named and designed in said List being in arrear to the Amount therein stated; and if such Rates or Assessments shall not be paid, together with the Costs and Charges incurred in obtaining such Warrant (as the same shall be fixed by the Judge), upon Presentment of the said Warrant to the Party at his Dwelling House or Shop, then the said Collector is hereby authorized to cause an Officer or Officers to seize, take possession of, and carry away so much of the Goods and Effects of the Person refusing or neglecting to pay as aforesaid as shall appear sufficient for satisfying by the Sale thereof the Assessment due by him, with the Costs aforesaid, and the farther Costs and Charges incurred or to be incurred in carrying the Warrant into execution; and if such Rate or Assessment shall not be paid within Four Days next after such Seizure is made, together with the Costs and Charges aforesaid, then the Collector is hereby authorized, without any farther Warrant, to sell the said Goods and Effects so seized by public Roup, at the Market Cross of *Perth*, or such other public Place within the said City as may by the Commissioners be declared to be a proper Place for such Sale; or in case the Goods and Effects be not found within the City of *Perth*, or within such Distance that they may be removed conveniently thereto, then at such Place as the Judicatory granting the Warrant may direct, such Collector returning the Surplus of the Price, if any be, after Payment of the said Assessments and Costs, to the Owner of the said Goods and Effects; and the Collector shall be bound to preserve the Warrants of such Seizures and Sales, and enter in a Book to be kept for the Purpose the Names of the Parties proceeded against, the Assessment due, the Expence of the Proceedings, and the

the true Proceeds of such Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively, and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to the Sheriff of *Perthshire* or his Substitute of any thing done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions (subscribed by the Complainer), One Petition only being allowed in each Case, and the Decision of the Judge to whom the Petition is presented shall be final, and not subject to Review in any Court or by any Form whatever; and failing the Recovery thereof in the summary Manner before directed, the Collector may sue for and otherwise recover the said Rates and Assessments according to Law.

XXXIX. And be it enacted, That the said Commissioners shall not assess any House, Shop, Warehouse, Cellar, Vault, or other Building or Premises, the aggregate Rent of which and of any other Building or Premises liable to be assessed under this Act occupied by the same Person or Company shall be under One Pound Sixteen Shillings *per* Annum, unless Spirituous Liquors be sold therein, nor any Gardens or Grounds under Cultivation, nor any Farm Offices or Barn Yards, nor the Machinery or Utensils of any Spinning Mill, Brewery, or other Manufactory belonging to the Tenant, nor any House, Shop, Warehouse, Cellar, Vault, or other Building or Premises which shall be unoccupied or unfurnished for the whole Year, from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Council House, City Chambers, Gaol, Bridewell, Police Office, County Buildings, Courts of Law, or Incorporation Halls, nor the *North* and *South Inches* belonging to the Community of *Perth*, nor the Military Depôt belonging to the Board of Ordnance, nor any Church or Place of Divine Worship, nor any Buildings which are solely occupied for the Purposes of public Charity, Science, or Education: And provided always, that the said Commissioners, on Application made to them, shall have the Power of granting Relief from the said Assessments to any Person on the Ground of Poverty or Inability.

Exemptions
from Assess-
ments.

XL. And be it enacted, That the Collector and Treasurer to be appointed by the said Commissioners shall each find Security for his Intrusions with and faithfully accounting for the Funds which he shall be empowered to levy, collect, or receive, and that to the Extent of such Sum as shall be fixed by the Commissioners, or failing to take such Security the Commissioners making the Appointment shall be individually responsible for the Default of such Collector or Treasurer, and the Collector for the Time shall be obliged to pay over all Monies received by him to the Treasurer appointed by the Commissioners, and shall never retain in his own Hands above Five Pounds, and the Treasurer for the Time shall be obliged to lodge all Monies received by him in such Bank or with such Banking Company as a Majority of the said Commissioners present at any Meeting shall direct, upon an Account opened or to be opened in the Name of the Commissioners, and to be operated upon by the said Treasurer for the Time, and shall never retain in his own Hands above Twenty

Collector to
find Security
for Intrusions.

[Local.]

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Pounds

Pounds Sterling ; and if any such Collector or Treasurer shall act in the contrary he shall be liable for Ten Pounds *per Centum per Annum* on whatever exceeds the foresaid Sums of Five Pounds and Twenty Pounds respectively remaining in his Hands in Name of Interest and Damages ; and the said Treasurer shall make no Draughts on the same Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the said Commissioners or their Committee for the Objects of this Act.

How Surplus Monies are to be applied and short Assessments to be made up.

XLI. And be it enacted, That if any Sums of Money or Surplus of the aforesaid several Rates to be annually imposed shall remain at the End of any Year after the Purposes for which such Rates were imposed shall be provided for, the same shall be applied towards the same Purposes respectively for the Year following ; and if the Assessments for any Year shall not be sufficient for such Purposes for that Year the said Commissioners shall be entitled and they are hereby authorized and required to make Provision for Payment of any such Deficiency in the following and subsequent Years till the same shall be fully paid, provided that in no One Year the Rates hereby authorized shall be exceeded.

In case of Insolvency of Collectors, Deficiency may be assessed.

XLII. And be it enacted, That in case any Collector or Treasurer appointed by the said Commissioners shall become insolvent, and the Sums chargeable against such Collector or Treasurer shall not immediately be paid by his Sureties, then and in every such Case the Sum deficient may be assessed and levied along with the other Assessments hereby authorized for the subsequent Year, and in case of Failure in Payment the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the ordinary Annual Assessment.

Books of Proceedings to be kept.

XLIII. And be it enacted, That the said Commissioners shall cause to be provided and kept proper Books, or the existing Books to be continued and kept, and fair and regular Entries to be made therein of all the Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Amount of the Salaries and Emoluments paid or ordered to be paid to the Superintendent or the Inspector of Police, and also to the Clerks, Collectors, Surveyors, Watchmen, Scavengers, and other Persons employed for the Purposes herein expressed, and of the Names of all such Commissioners as shall be present at their several Meetings ; and all Entries in such Books, being signed by the Preses of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act ; and such Books, as well as those kept under the Authority of the said recited Acts, shall at all reasonable Times be open and liable to the Inspection of all and every the said Commissioners, and of all Persons assessed for the Purposes of this Act, and of the Creditors on the Assessments, and any of the said Commissioners and Creditors shall be furnished with Copies thereof, paying for every Copy not exceeding Seventy-two
Words

Words the Sum of Sixpence, and so on in proportion for any greater Number of Words.

XLIV. And be it enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct Books to be provided and kept, or the existing Books to be continued and kept, by their Treasurer, Collector, or Clerk for the Time being, in which Books such Treasurer, Collector, or Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid, which Books, with the whole Vouchers or Documents of Charge and Discharge, shall at all reasonable Times be open to the Inspection of the said Commissioners and any Creditor or Creditors on the Assessments hereby made payable, without Fee or Reward; and all such Books shall be regularly fitted and balanced once in each Year, and a Balance Sheet for the Year preceding shall be laid before the Annual Meeting of the Commissioners on the Fourth *Wednesday of August*, from which an Abstract of the Payments and Disbursements of the preceding Year shall be made out and printed and circulated within One Month thereafter.

Accounts to be kept and balanced.

XLV. And be it enacted, That at a Special Meeting to be held within Thirty Days after the First Election of Commissioners under this Act the said Commissioners shall name and they are hereby required to name and appoint a neutral Person of Skill as Arbiter on their Part, and another Person of Skill shall in like Manner be nominated and appointed within the said Period as Arbiter on the Part of the Community by the Lord Provost, Magistrates, and Town Council of the City of *Perth*, and the Persons so to be nominated and appointed shall, with all Dispatch, examine, visit, and inspect the whole Real and Personal Property belonging to the Commissioners under the said recited Acts, and if they agree in Opinion shall by a Writing under their Hands report the just and true Value, according to the best of their Judgment, of the said Real and Personal Property; but if they shall not agree in Opinion, then they shall nominate and choose some other Person of Skill as Umpire or Oversman, who shall in like Manner examine, visit, and inspect the said Real and Personal Property, and report the just and true Value thereof, according to the best of his Judgment, by a Writing under his Hand; which Report, whether made by the said Arbiters or Oversman, shall be subscribed in Duplicate, and One Copy thereof shall be delivered to the Lord Provost or City Clerks of *Perth*, and the other Copy to the said Commissioners or their Clerk; and the Sum so reported as being the Value of the said Real and Personal Property shall be deemed and held to be the fair, just, and true Value thereof, and the Report of the said Arbiters or Oversman shall bear Faith in Judgment, and have the same Effect as a Decree Arbitral in the Law of *Scotland*, and shall not be subject to Reduction or Review by any Court whatever.

Value of Property belonging to Commissioners to be ascertained by Arbitration.

XLVI. Pro-

Sheriff to
appoint
Arbiters or
Oversman in
case of
Failure to
nominate.

XLVI. Provided always, and be it enacted, That in case any Person nominated and appointed as Arbitrer or Oversman to ascertain the Value of the said Real and Personal Property shall refuse to accept of such Appointment, it shall be competent to the Parties by whom he was appointed to nominate another in his Room; and if the said Commissioners, or Lord Provost, Magistrates, and Council, or Arbiters, shall fail or refuse to nominate Arbiters or Oversman in Terms of the Provisions of this Act, it shall be competent to the Sheriff of the County of *Perth*, or his Substitute, on the Application of any Party having Interest, to nominate and appoint such Arbiters or Oversman, which Nomination and Appointment shall be equally effectual as if made by the Persons so failing to nominate and appoint.

Value of
Property to
be applied
towards Ex-
tinction of
old Debt.

XLVII. And be it enacted, That the Sum to be so reported as the just and true Value of the said Real and Personal Property shall, out of the Proceeds of the foresaid Assessment to be levied in Name of "General Rate," be applied by the said Commissioners in Payment *pro tanto* of the Debt which at the passing of this Act shall have been contracted and remain due by the Commissioners under the said recited Acts, with the Interest thereof, and such Sum shall, until so applied, bear Interest at the Rate of Five *per Cent. per Annum*, for which the said Commissioners under this Act shall be responsible.

Money may
be bor-
rowed.

XLVIII. And in order to enable the said Commissioners fully to pay off and discharge whatever Debts shall have been contracted and remain due by the Commissioners under the said recited Acts, with the Interest thereof, as well as to execute the other Purposes of this Act, be it enacted, That the said Commissioners shall be and they are hereby authorized and empowered to borrow and take up at Interest any Sum or Sums of Money upon the Credit and Security of the several Rates and Duties hereby imposed, and for further Security of the Persons from whom such Money may be borrowed to assign to such Persons the Assessments authorized to be made as aforesaid, until the Sums so to be borrowed, with Interest thereof, shall be paid and discharged; but declaring that all Sums of Money to be borrowed by the said Commissioners on the Security of either of the Two foresaid Rates shall be applied to the Purposes for which that Rate is authorized to be levied, and not otherwise: Provided always, that the whole Amount borrowed upon the Security of the said Rates and Duties shall at no one Time exceed the Sum of Four thousand Pounds: Provided also, that no Commissioner or Treasurer or Collector shall be held or adjudged to have rendered himself personally liable for the Repayment of any Money so borrowed by reason only of his having signed any Authority to borrow any such Money, or any Security for the same, and that all such Loans and Securities shall be held and considered as granted on the sole Security of the Assessments authorized to be made under this Act, unless otherwise therein provided: Provided also, that in the Accounts to be kept by the Treasurer, Collector, or Clerk of the said Commissioners a Distinction shall always be preserved between the Sums of Money borrowed and applied to discharge the Debts incurred by the Commissioners
under

under the said recited Acts, and Interest thereof, and those borrowed for the other Purposes of this Act.

XLIX. And be it enacted, That it shall be lawful to the said Commissioners and they are hereby authorized and empowered, in executing the Purposes of this Act so far as relates to the public Streets, Squares, Roads, Passages, and other Places within the Royalty of the said City of *Perth*, to remove the Pavement or Road Metal or Materials of any of the said Streets, Squares, Roads, Passages, and other Places, and repave or relay the same, or to repair the existing Pavement or Roadway, as they shall think proper, and to cause the Ground of the said Streets, Squares, Roads, Passages, and other Places to be raised or lowered, and the Drains, Common Sewers, Water Channels, and Soil Pipes to be deepened, enlarged, or otherwise altered, out of and from the Royalty Rate to be raised under the Authority of this Act, and Funds to be paid over by the Town Council in manner herein-before provided, or at the Expence of the Person or Persons bound to uphold the same when there are such Persons, and to make and construct other Main Drains, Sewers, and Water Channels, and also conducting Drains or Channels for conveying Water and Soil into such Main Drains, all in such Manner and of such Dimensions as may be thought necessary or proper.

Streets may be repaired, Common Sewers constructed, and Levels altered.

L. And whereas it would be greatly for the Convenience and Benefit of the Inhabitants of the said City and Suburbs that proper Foot Pavements were made in all Situations requiring the same; be it therefore enacted, That the Owners or Proprietors of all Houses and other Buildings, or of Gardens and Grounds on which Buildings are not erected, which are adjoining to or fronting any Street, Road, Lane, Square, or any other public Thoroughfare or Place already formed or to be formed within the said Bounds of Police, shall, at their Expence, cause the Ground before their respective Properties on the Sides of the said Streets, Roads, Lanes, Squares, or other public Thoroughfares or Places to be well and sufficiently paved, or, where the same is already paved, to be well and sufficiently repaved (if from the Nature or State of the existing Pavement this shall be considered necessary), with flat, hewn, or other Stones, or in such other Manner and Form and of such Breadth as the said Commissioners shall, by Orders or Decrees pronounced by them, or the Majority of any Meeting of them, from Time to Time direct and appoint: Provided always, that when the whole Breadth of any of the said Streets or other Thoroughfares or Places accessible for Carts or Carriages will not admit of Foot Pavement being laid on both Sides thereof, without rendering the same too narrow for a Carriageway, such Foot Pavement shall be laid upon any One of the Sides that shall be judged by the said Commissioners to be most commodious and best adapted for the Purpose, and it shall be in the Option of the Owners or Proprietors of the Gardens or Grounds on either Side of such Streets, Lanes, Squares, and other public Thoroughfares or Places on which no Buildings are erected, either to pave opposite to their respective Properties in manner aforesaid, or to pave opposite to such Gardens or Grounds with square dressed Stones until the same shall

Foot Pavements to be made.

[Local.]

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be built upon, provided a proper Kerb Stone shall be laid at the Sight and to the Satisfaction of the said Commissioners or their Surveyor, and such Parts of the said Footpath as are opposite to Lanes or Closes which are Cart or Carriage Entries may also be paved with square dressed Stones: Provided always, that in case such Owners and Proprietors shall refuse or neglect to cause such Pavements to be made in the Manner and Form so directed, it shall and may be lawful to the Commissioners to cause such Pavements to be made at the Charge and Expence of such Owners and Proprietors, and in case such Owners and Proprietors shall refuse or neglect to pay such Charges when required, it shall and may be lawful for the Magistrates of *Perth*, or Sheriff of the County of *Perth*, or his Substitute, or the acting Judge in the Police Court hereby constituted, on summary Complaint brought before any of them at the Instance of the Clerk of the said Commissioners, to decree such Charges and Expences to be paid by such Owners and Proprietors, with the additional Expence incurred in recovering the same.

Streets to be paved.

LI. And be it enacted, in regard to all Streets, Lanes, Squares, and public Thoroughfares or Passages already made, laid out, or opened, or that shall be hereafter made, laid out, or opened within the Royalty of the said City, That where One Half of the Building Areas along any such Street, Lane, Square, or Passage are built upon, or sold or feued out for the Purpose of being built upon, the same shall be paved or macadamized, if so ordered by the said Commissioners (if not already paved or macadamized), by and at the Expence of the Feuars or other Proprietors, in proportion to the Extent of the Front of the Building Areas belonging to them respectively, and the remaining Part of such Street, Lane, Square, or public Passage shall be paved or macadamized at the Expence of the Owners of the unsold or unfeued Ground on either Side.

As to the Manner of paving.

LII. Provided always, and be it enacted, That the Stones to be used in paving or macadamizing all Streets, Lanes, Squares, and public Passages shall be such, and the same shall be laid and bedded in such Form and Manner, as the said Commissioners shall direct:

Squares and Terraces.

Provided also, that where, as in the Case of Squares and Terraces, the Ground is sold or feued for the Purpose of being built upon, or is built upon on One Side only, the Owners of the Ground on the Side so sold, feued, or built upon shall be at the Expence of paving or macadamizing, as the Case may be, the Whole of the Area of such Squares, Terraces, or other Places opposite their respective Properties, and the Proprietors of Houses or Areas having Streets along the End or Back thereof as well as the Front shall be liable in a Proportion of the Expence of paving and macadamizing all such Streets: Provided also, that nothing herein contained shall be understood to relieve the original Proprietors of Streets, Squares, or other Places of any Obligation they may have come under to the Purchasers or Feuars in regard to paving, macadamizing, or forming such Streets, Squares, or other Places.

Provisions as to Streets forming Outlets.

LIII. And whereas Doubts may arise with respect to the Length or Termination of Streets and other Thoroughfares in regard to which

which the Obligation to pave or macadamize as aforesaid depends on the One Half of the Building Areas along the same being built upon, or sold or feued out for the Purpose of being built upon ; be it enacted, That in so far as regards the said Obligation hereby imposed the Provisions contained in this Act shall operate and apply to every Two hundred Yards of such Streets or Thoroughfares, in the same Manner as if that were the actual Length of the same.

LIV. And be it enacted, That if any Person liable for that Purpose shall refuse or delay to pave or macadamize any of the said Streets, Lanes, Squares, or Passages, after being required so to do in manner aforesaid, by a Requisition in Writing under the Hand of the Clerk of the said Commissioners, or other Person authorized by them, then it shall be lawful to the said Commissioners to cause the Streets or other Places to be paved or macadamized as aforesaid at the Charge and Expence of the Owners or Proprietors, and in case such Owners or Proprietors shall refuse or neglect to pay such Charges and Expences when thereto required, it shall and may be lawful for the Magistrates of *Perth*, or Sheriff of the County of *Perth*, or his Substitute, or the acting Judge in the said Police Court, on summary Complaint brought before any of them at the Instance of the said Clerk of the Commissioners, to decree such Charges and Expences to be paid by such Owners or Proprietors, either to the Tradesmen by whom the Work shall have been done, or to any other Person to be named by the Court, with the additional Expences incurred in recovering the same.

Procedure on Parties failing to pave or macadamize.

LV. And be it enacted, That the Owners and Proprietors of all Houses and other Buildings fronting any public Street, Square, or other Place within the Boundaries over which this Act or any Part thereof extends, where there are no sunk Areas between the Houses and the Foot Pavement or Path, shall cause the Water from the Roofs of such Houses or Buildings to be conveyed in Leaden or other Pipes affixed against or on the Sides or Fronts of such Houses or Buildings, and passing into the Houses or other Buildings or below the Foot Pavements or Paths, so that the same shall be discharged within such Houses or other Buildings, or into the contiguous Water Channels, or into the nearest Common Sewers, and which Pipes the said Owners and Proprietors shall be bound to keep clean and in repair at their own Expence ; and in case such Owners or Proprietors shall refuse or neglect to cause the Water to be conveyed as aforesaid, and the Pipes to be kept clean and in repair, it shall and may be lawful to the said Police Court, on the Complaint of the said Superintendent, which Complaint the said Superintendent is hereby required to make, to cause the Pipes which may be requisite to be affixed, and, when necessary, to be repaired and cleaned, at the Charge and Expence of such Owners or Proprietors respectively ; and in case such Owners or Proprietors shall refuse or neglect to pay such Charges when required, with the Expences incurred by the said Complaint, it shall and may be lawful to the said Police Court, on the farther Complaint of the said Superintendent, to decree such Charges and Expences to be paid by such Owners or Proprietors, either to the Tradesmen
by

Water from Roofs of Houses to be conveyed in Pipes.

by whom the Work shall have been done, or to any other Person to be named in the Decree, with the additional Expence incurred in recovering the same.

Tenants may defray Expences, and retain them out of their Rents.

LVI. And for the more conveniently enforcing of the Obligations on Proprietors for forming and keeping in repair the Foot Pavements and forming and keeping in repair the Pipes for conveying Water from the Roofs of Houses, be it enacted, That in case of the Proprietor not being resident within the Bounds to which this Act or any Part thereof extends, it shall be lawful to proceed in the said Police Court, or before the Magistrates of *Perth* or Sheriff of the County, or his Substitute, against the Tenant or Occupier, Notice being given, by Letter sent through the Post Office, to the Proprietor or Person acting for him, or in such other Way as the Judge before whom the Procedure takes place shall direct; and it shall be lawful to the Judge to issue his Decree against the Tenant or Occupier, who shall in such Case apply the Rents due or to become due by him, or such Part thereof as may be necessary, in Implement of such Decree, and shall be validly discharged of such Rents to the Extent so paid by him: Provided always, that no Tenant or Occupier shall be liable to pay at any Time a greater Sum than the Amount of the Rent for the Year current at the Time, together with the Arrears of Rent, if there be any such.

Sunk Steps to be covered over.

LVII. And whereas there are many Cellars and other Places adjoining to the public Roads, Streets, Squares, Passages, and Places within the Bounds over which this Act extends, having their Entry by sunk Steps in the Pavement beyond the Line of the Wall of the House or other Building to which they belong, and thereby Passengers are exposed to Injury; be it enacted, That the Proprietor, or in his Absence the Occupier of such Cellar and other Place, shall be bound, when required by the Superintendent of Police, by a written Notice stating this Provision, to construct and place, at the Expence of such Proprietor, a sufficient Iron Grating or other sufficient Cover in or over such sunk Steps on the Level of the Pavement, and not above the Level or under it, in such Way as is best suited for preventing the Danger of Injury, which Grating or Cover shall at all Times be closed and locked or otherwise fastened down, except when the Occupier of the Cellar or Place shall have Occasion to use the Steps, under a Penalty not exceeding Five Shillings for each Offence, and if any Proprietor or Occupier shall fail to construct such Grating or Cover when required as aforesaid, or to keep it properly secured, he shall be liable in a Penalty not exceeding Twenty Shillings for each and every Day during which he shall so fail as aforesaid, and it shall moreover be competent to the acting Judge of Police to order the Work to be executed, and to give Decree against such Proprietor or Tenant so failing for the Expence; and hereafter no such sunk Steps shall in any Case be constructed, under a Penalty not exceeding Five Pounds for each and every Day that the same shall remain.

Stones, Lime, &c. deposited in

LVIII. And be it enacted, That in case any Stones, Lime, Sand, or other Materials shall be deposited, or in case any Sheds for
Masons

Masons or any other Erection or Inclosure shall be placed or formed upon any of the Streets, Roads, Squares, Lanes, Passages, or other public Places within the Bounds over which this Act extends, or in case any Hole or Opening shall be made in or adjacent to any of the said Streets, Roads, Squares, Lanes, Passages, or other public Places, for the Purpose of digging Foundations for building, for paving the Streets, for digging Wells or Drains, laying Pipes, or any other Purpose, the Persons making or causing to be made such Depositions, Erections, Inclosures, Holes, or Openings, and the Persons employed and concerned therein, shall, at their own Expence, cause a sufficient Rail or Fence to be put round such Depositions, Holes, or Openings, and round such Erections and Inclosures, if it be thought necessary, and shall also cause a sufficient Number of Lamps or Lights to be affixed at or near the same, to be kept burning every Night, from Sunsetting to Sunrising, that such Depositions, Erections, and Inclosures shall remain, or such Holes and Openings shall be unfilled up, all under the Orders and to the Satisfaction of the Superintendent or other acting Chief Officer of Police for the Time; and in case any of the said Persons shall refuse or neglect to fence such Depositions, Erections, Inclosures, Foundations, or Holes, or to affix and keep Lamps or Lights burning in manner aforesaid, it shall and may be lawful for the Judge acting in the Police Court, on the Complaint of the said Superintendent, to decern the Persons so offending to pay any Sum not exceeding Two Pounds for each Day or Night the same may remain without a sufficient Rail or Fence during the Day, or without such Rail or Fence and Lamps or Lights burning during the Night, and also to order the said Depositions, Erections, Inclosures, Foundations, or Holes to be fenced, and Lamps or Lights to be affixed and kept burning, at the Expence of the Persons employed or concerned therein, and to give Decree for such Expence, with the Expence of the Complaint for Recovery thereof; reserving always to any Person who may suffer Injury by such Operations, whether the Provisions above-written be observed or not, to prosecute for Reparation and Damages according to Law; and in all Cases where such Depositions, Erections, Inclosures, Foundations, or Holes are to be made, Notice shall be given to the Superintendent of Police at least Twenty-four Hours before the Operation is begun, that he may give the necessary Orders in regard thereto, and in case of Failure to give such Intimation the Proprietor of the Building or other Person on whose Employment the Work is performed, and also the Tradesman employed, shall be liable in a Penalty not exceeding Two Pounds.

the Streets
to be en-
closed and
Lights
affixed.

LIX. And be it enacted, That when any House within any Part of the Bounds over which this Act extends is to be roofed or unroofed, or built, or taken down, or when any Operation is to be performed thereon whereby Risk shall arise of Stones, Slates, or other Materials falling upon the Streets, Roads, or Foot Pavements, or whereby any extraordinary Dust or other Annoyance to the Public shall arise, the adjoining Pavement and Street or Road shall be inclosed with a sufficient Rail or Fence, to be erected and maintained at the Expence of the Proprietor, or an active and sufficient Watchman or Watchmen shall be placed at the Expence of the said Proprietor, so as to prevent Passengers from walking on such Pavement, Street, or Road; and

Operations
on Houses
and Streets
to be fenced,
&c.

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such Operations shall be performed with the least possible Delay, and at such Hours in the Morning or other Times, and in such Way and Manner, as the Superintendent or other acting Chief Officer of Police may direct, so as to occasion the least possible Hazard or Inconvenience to the Public; and in all Cases where any such Operation is to be performed within the said Bounds, Notice shall be given to the Superintendent of Police of what is intended at least Twenty-four Hours before the Operation is begun, in order that he may see that the Pavement, Road, and Street are sufficiently fenced or guarded, and that he may order to be done what he considers in the Circumstances of the Case to be necessary for lessening the Hazard and Inconvenience, and in case of Failure to give such Intimation the Proprietor of the Building or other Person on whose Employment the Work is executed, and also the Tradesman employed, shall be liable in a Penalty not exceeding Two Pounds; and in case of Failure to provide and maintain a sufficient Rail or other Fence, or an active and sufficient Guard approved by the Superintendent of Police, or to obey the Orders which may be given by the Superintendent of Police for lessening the Hazard or Inconvenience, for every such Offence such Proprietor or other Person and such Tradesman (all of them being held answerable for each other) shall be subject and liable to a Penalty, Day by Day, not exceeding Five Pounds for each of these Offences, reserving always to any Person who may suffer Injury in the Course of such Operation, whether the Provisions above written be observed or not, to prosecute for Reparation and Damage according to Law.

Chimney
Tops, &c. to
be secured
or removed.

LX. And be it enacted, That the acting Judge of Police for the Time under this Act shall, upon Complaint by the Superintendent of Police, order to be removed or to be repaired and secured all Chimney Tops, Chimney Cans or Pots, Tiles, Slates, Shutters, Ridges, Coping, or other Articles or Things upon or projecting from the Roofs or other Parts of Houses or Buildings within the Bounds over which the present Act extends, which from being broken or loosened or otherwise insecure may be dangerous to Passengers, and on Failure to fulfil such Order forthwith such Judge may employ a Person to remove or repair and secure the same, and the Proprietors shall in such Cases, besides paying all Expences, forfeit and pay a Sum not exceeding One Pound.

Regulating
Foot Pavements and
Streets.

LXI. And be it enacted, That if, within the Bounds over which this Act or any Part thereof extends, any Person or Persons shall carry, push, roll, drive, or draw, or cause to be carried, pushed, rolled, driven, or drawn, on any of the Foot Pavements, any Bier, Sledge, Cask, Handbarrow, or Wheelbarrow Wheel or Wheels, or any Coach, Waggon, Cart, Sedan Chair, or Carriage whatsoever (except directly across the same on necessary Occasions); or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle (except when going directly across the said Foot Pavements to or from Stables or Cowhouses) upon any Part of the said Foot Pavements, or wilfully permit any Cattle which such Person may be riding, driving, or leading to go thereon; or shall tie or fasten any Horse, Ass, Mule, or other Cattle to any House, Wall, or other
Thing,

Thing, across any of the Footways or Pavements; or shall set or leave any Cask, Bale, Crate, Box, Tub, Bucket, Pail, Stool, Bench, or Stall on the Foot Pavements; or shall throw or cast any Dirt, Dung, Ashes (excepting in Times of Frost for the Purpose of rendering the Pavement more safe for Passengers), or Rubbish into or upon the same; or shall erect, set up, or place any Blind, Shade, Covering, or Awning, or any other Thing, so as in any way to cause any Obstruction or Impediment on the Streets or other Places, or on the Foot Pavements; or shall roll any Cask, empty or full, along the said Foot Pavements, for any Distance whatever (except across them directly to or from a Cellar, Shop, or Warehouse), or shall roll any such Cask along any of the public or principal Streets, Squares, Roads, Passages, or Places (except from a Shop, Cellar, Warehouse, or other Place, directly to such Cart or Carriage as it is to be loaded upon, or from such Cart or Carriage as it has been loaded upon directly to the Shop, Cellar, Warehouse, or other Place in which it is to be deposited, not exceeding Thirty Yards in any Case); or shall sit or stand in any Cart or Waggon, when driving along any of the Streets, Squares, Passages, or Places, without having a Person on foot leading the Horses yoked in such Cart or Waggon (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted); or shall drive any Cart or other Carriage on the Streets, Squares, Passages, or Places furiously or in any way improperly; or shall leave any Waggon, Cart, or Carriage standing in the said Streets, Roads, or Passages, yoked or unyoked, either during the Day or Night, to the Danger or to the Obstruction of the free Passage of any other Carriage or of any Passenger along the said Streets and other Places; or shall ride any Horse furiously or improperly, or drive any Horse or Cattle, or Carriage of any Kind, in an improper Manner, on any of the said Streets, Roads, or Passages; or shall clean, dress, drive, or turn loose any Horse or other Cattle; or show or expose or exercise any Stallion (except in such Place as the Magistrates direct), or show or expose or exercise, or expose to Sale, any Horse or other Beast; or kill or slaughter, or scald, singe, dress, or cut up, any Animal, upon any of the said Streets, Roads, or Passages; or cause or permit any Blood to run from any Slaughterhouse, Butcher's Shop, or Shamble into or upon any of the Streets; or shall drag any Timber or other such Thing on the public Streets, Roads, or Passages; or shall suffer any Timber or other such Thing, though principally conveyed in a wheeled Carriage, to twist or drag upon the Streets, Roads, or Passages; or shall suffer any Plank, Piece of Timber, Iron Bar, or other such Thing to project beyond the outer Part of the Machine, Cart, or other Carriage on which it is placed, or occupy more of the Road, Street, or Passage than is occupied by such Machine, Cart, or other Carriage itself, so as to give reasonable Cause to fear Injury to Persons or Property; or shall, in any Street, Square, public Passage or public Place, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Wood or Timber, or bore any Timber, or make or repair, or wash or clean, any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Spring, or other Part of any such Coach, Chaise, Waggon, Sledge, or other Carriage, (except such
as

as may want immediate Repair from any sudden Accident on the Spot, and which cannot be conveniently removed for that Purpose), or shoe, bleed, or farry any Horse or other Beast (unless in case of sudden Accident); or shall, without the Authority of the Magistrates, in any Street, Square, public Passage, or public Place, sell or assist in selling by Auction or public Sale any Cattle, Goods, Wares, or Merchandize, or Thing or Things whatsoever; or shall hang up, place, or expose to Sale, or cause or permit to be hung up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher Meat, or other Matter or Thing, in or upon or so as to project over or upon the Foot Pavement or Carriageway of any such Streets, Squares, public Passages or Places, or beyond the Line or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or shall leave open after Sunset the Door, Window, or Grating of any Cellar or other underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, and public Places of the said City and Suburbs from falling into such Cellars or other underground Rooms or Apartments; or shall set or place upon the Outside of any Window or Opening fronting any of the Streets, Squares, Lanes, Closes, or Passages, any Furniture, Flower Pots, or Boxes for raising or preserving Flowers, Shrubs, or other Plants or Vegetables, or any other Articles, unless the Soles and Outsides of the Window or Opening at which any such Furniture, Pots, Boxes, or Articles are set or placed shall be sufficiently railed in and secured with good and substantial Rails of Iron, so as to prevent the Risk of the said Furniture, Pots, Boxes, or other Articles falling from the said Windows or Openings; or shall trundle any Hoop or Hoops to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers, either on Foot or on Horseback or in a Carriage; or cause, make or assist in making any Bonfire; or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Firearms; or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework; or play at Football, or at any other Game, to the Annoyance of the Inhabitants or Passengers; or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Square, public Passage or Place; or shall wilfully obstruct or incommode, hinder or prevent, the free Passage of any Footway or Causeway; or shall indecently expose his or her Person by bathing or otherwise; or shall injure any of the public Wells or Fire Plugs of the said City and Suburbs, or cause any undue and unnecessary Waste of Water thereat; or commit any Nuisance by cleaning Fish or otherwise at the said Wells; then and in every such Case it shall and may be lawful for any Person who shall see such Offence committed, or for any Watchman or Officer of Police who receives Information of the Offence, to seize such Offender, and by Authority of this Act, without any other Warrant, cause him to be conveyed before the acting Judge of Police; and the Party accused being brought before him, the said Judge shall, upon the Complaint of the Procurator Fiscal of the City of *Perth*, or of the said Superintendent of Police, proceed to examine into the Cause of Complaint,

Complaint, and if the Party accused shall be convicted of riding or driving any Horse or Cattle, Cart or Carriage, furiously or improperly, he shall forfeit and pay any Sum not exceeding Five Pounds, and any Person convicted of any other of the above Offences shall forfeit and pay any Sum not exceeding Forty Shillings.

LXII. And be it enacted, That if any Person shall, within any Part of the Territory comprehended under this Act, have or keep a vicious Dog, without such Dog being properly secured so as to prevent Danger to Her Majesty's Lieges during the Day-time, or elsewhere than in a private Court, Yard, or Place walled in or otherwise properly and sufficiently inclosed during the Night, it shall be competent for the Police Court hereby constituted to order such Dog to be killed, and to cause the Officers of Police under this Act to enter the Premises where such Dog may be kept, in order to the carrying such Order into effect, and to fine the Offender in a Sum not exceeding Forty Shillings; and any Person keeping a vicious Dog shall moreover be liable in a Penalty not exceeding Five Pounds for each Time that such Dog shall bite or otherwise injure any of Her Majesty's Lieges, besides Damages to the private Party.

To prevent
Danager
from vicious
Dogs.

LXIII. And be it enacted, That it shall and may be lawful to the acting Judge of Police to cause to be removed or taken down or taken away all Signs, Sign Posts, Boards, Sheds, Awnings, Dyers Scourers or Barbers Poles, Poles from Windows for suspending Clothes, or any other Poles projecting or hanging over any of the Foot Pavements, Streets, Squares, Lanes, or Passages within the said Bounds of Police, or any Goods or other Things exposed at the Doors of Shops within the same, so as to encroach on the Foot Pavements, and to prohibit the Obstruction of Passengers by the Offer of Goods for Sale at the Shop Doors or at any Distance from the same; and in future all Signs or Boards shall (unless otherwise ordered or permitted by the Commissioners) be placed or affixed close on or flat to the Wall or Front of the Houses, Shops, Warehouses, or other Buildings whereunto they shall respectively belong, and shall not exceed Two Inches in Thickness in all Streets or Thoroughfares under Twenty Feet in Width, and in all other Streets and Thoroughfares all Signs or Boards shall be so placed or affixed as not to project more than Twelve Inches from such Wall or Front, and in no Case shall any Sign or Board be less than Eight Feet above the Level of the Pavement or Causeway, or such other Number of Feet as the Commissioners shall fix and determine; and no Window Shutter which shall hereafter be constructed within the said Bounds of Police, fronting any public Street, Square, Passage, or Place, shall be hung on the Outside of the Houses, Shops, Warehouses, or other Buildings to which they belong, neither shall any Doors open outwards on any public Street, Square, Passage, or Place; and if any Person shall at any Time hereafter hang, place, or erect, or cause to be hung, placed, or erected, any Sign, Sign Post, or Pole, or cause any other Obstruction or Annoyance whatever, or shall expose Goods or any other Thing at the Door of any Shop, or offer Goods as aforesaid, contrary to the Provisions of this Act, or shall hang any Window Shutters on the Outside as aforesaid, or construct any Door to open outwards as

Regulating
Sign Posts.

[Local.]

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aforesaid,

aforesaid, it shall be lawful for the said acting Judge of Police, on the Complaint of the Superintendent, to order the same to be removed and taken away, and to ordain such Person or Persons to pay any Sum not exceeding Forty Shillings for the first Offence, and on any Conviction after the first any Sum not exceeding Five Pounds; saving and reserving to any Person who may suffer Injury from such Sign Boards, Projections, or other Annoyances to prosecute for Damages according to Law.

Nothing herein to apply to Market Places and Fairs.

LXIV. Provided always, and be it enacted, That nothing contained in this Act shall be construed to extend so as to prevent Persons from selling or exposing to Sale any Cattle, or placing any Stall, Booth, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing in any Market Place within the said Bounds of Police, or in the usual Place of holding the public Fairs, on the usual Days of such Markets or Fairs, or in any respect to interfere with or abridge the Powers vested by Law in the Magistrates of *Perth*, or the Magistrates and Town Council of *Perth*, or other Authorities, to regulate such Markets and Fairs, or to establish other Markets, or alter the Market Places and the Places where the public Fairs are held.

Streets, Roads, &c. to be kept in line.

LXV. And be it enacted, That when any House or other Buildings adjoining to any of the Streets, Squares, Lanes, Closes, or other public Places within the said Royalty are taken down in order to be rebuilt by the Proprietors, and where such Buildings project beyond the Line of the Front Walls of the Houses adjacent, it shall be lawful to the Dean of Guild of *Perth*, on Application by the Lord Provost, Magistrates, and Town Council of *Perth*, or any Person to whom they shall give Powers to act for them relative to such Matters, to order the new Buildings to be erected in a Line with the Front Walls of the adjacent Houses, upon the said Provost, Magistrates, and Town Council satisfying the Proprietor for the Value of the Ground so to be surrendered to the Public, as the same shall be ascertained by the Agreement of Parties or by the said Dean of Guild, whose Award or Decree shall be final, and not subject to Review in any Court.

Stairs and other Encroachments on the Streets to be removed.

LXVI. And be it enacted, That it shall and may be lawful to the said Dean of Guild, on Application by the said Lord Provost, Magistrates, and Town Council, or the Person to whom they may give Power to act for them in such Matters against the Proprietors of any Buildings fronting any of the Streets, Squares, Lanes, Roads, or Passages within the said Royalty, having Stairs built upon the Streets, Roads, or Footways, or projecting or encroaching to any Extent upon the Street, Road, or Footway, or having any other Buildings or Things projecting therefrom or connected therewith, which obstruct free Passage, or occasion Inconvenience or Hazard to Passengers on the Streets, Roads, and Footways, to order such Stairs, Projections, Encroachments, or other Things to be removed by the Proprietor thereof, at the Sight of the Person pursuing, or any other Person who may be named by the said Dean of Guild; and that within such reasonable Time and in such Way as to such
Dean

Dean of Guild may appear suitable: Provided always, that in all Cases of Buildings already erected on the Sides of the Foot Pavements of any of the Streets, Squares, Lanes, Roads, or Passages within the said Royalty, which cannot have convenient Access made to them by any other Means than the Stairs or Projections or Encroachments already made, such Dean of Guild shall not have Power to order such Stairs or Projections to be altogether removed, unless with the Consent of the Proprietor thereof; but it shall be lawful to such Dean of Guild, and he is hereby authorized and empowered, in his own proper Court, on Application by the said Lord Provost, Magistrates, and Town Council, or the Person to whom they may give Power to act for them in such Matters, to order such Stairs, Projections, or Encroachments to be removed or altered by the Proprietor thereof at the Sight of the Person pursuing or any other Person who may be named by the Dean of Guild, and that to such Extent and in such Way as to such Dean of Guild may appear proper, so as, without depriving such Buildings of a suitable Access, to abate the Danger or Inconvenience arising from such Stairs or Projections.

LXVII. Provided always, and be it enacted, That in all such Cases of the Removal in whole or in part or the Alteration of such Stairs, Projections, Encroachments, or other Buildings or Things, in case the Proprietor of the House or other Building to which the same belongs shall thereby be injured, he shall be entitled to Compensation from the said Lord Provost, Magistrates, and Town Council for such Injury, according as the Amount thereof shall be agreed upon between him and the said Lord Provost, Magistrates, and Town Council, or shall be ascertained by the Dean of Guild of *Perth* as aforesaid, whose Award or Decree shall be final, and not subject to Review.

Compensation for Injury.

LXVIII. Provided also, and be it enacted, That in all such Cases of the Removal in whole or in part or the Alteration of such Obstructions the Proprietor shall be relieved by the said Lord Provost, Magistrates, and Town Council of all Expences which may be incurred in making the aforesaid Application to the Dean of Guild, or in implementing the Orders of the Dean of Guild, or in any other Way in relation to the Premises, except only such Expences as may be incurred by or through the improper Opposition of such Proprietor to the Application to be made as aforesaid, or any of the Proceedings under the same, or by or through his improper Refusal or Delay to implement the Orders of the Dean of Guild, all which Expences shall be paid by such Proprietor; and the Dean of Guild may and shall give Decree, according to the usual Form and Practice of his Court, ordaining such Proprietor to make Payment of such Expence, as the Amount thereof shall be ascertained by such Dean of Guild.

Expences of Removal to be paid by Town Council.

LXIX. And provided also, and be it enacted, That nothing herein contained shall be held as admitting or confirming the Right of any Proprietor or others to maintain and preserve by Law any such Stairs, Projections, Encroachments, or other Buildings or Things which may

Not to be held as admitting Rights.

may have been erected, or to demand Compensation for being deprived thereof or any Part thereof, or of any of the Benefits in use to be derived therefrom, or to be relieved of Expences, when such Proprietor has not by Law, and without the Aid of this Act, a sufficient Right to maintain and preserve the same as aforesaid; but on the contrary it shall be lawful to the said Lord Provost, Magistrates, and Town Council, or the Persons who may be appointed by them to attend to such Matters, or to the Fiscal of the Court or other Persons interested, to pursue and insist, either at Common Law or under this Act, before any competent Court, for the Removal of such Stairs, Projections, Encroachments, or other Buildings or Things, in whole or in part, and to resist all Demands for Compensation, or for Relief from Expence, upon the Ground that the Persons claiming had no legal Right to maintain such Stairs, Projections, Encroachments, or other Buildings or Things, any thing herein contained to the contrary notwithstanding; and in all Cases of Applications under this Act, if such Right be denied, the Dean of Guild is hereby empowered summarily to inquire and determine whether the Party claiming has such Right or not, and the Dean of Guild may and shall award Expences, when he thinks fit, against the Party found to be in the Wrong; and hereafter it shall not be lawful to construct any Stairs or Steps or other Buildings of any Kind projecting on the public Streets, Roads, Footways, or Places within the said Royalty beyond the Line of the Building to which they are attached.

Commissioners to erect Lamps, and to contract for lighting Streets.

LXX. And be it enacted, That the said Commissioners shall and may provide and erect such Number of Lamps, Lamp Posts, Lamp Irons, and Gas Tubes, and other Apparatus, as may be necessary for lighting in a suitable Manner the Places, Ways, Streets, Lanes, Squares, Closes, and Passages within the Limits of the said City and Suburbs thereof, before described, or contract for the Use thereof, and shall and may enter into Contracts for lighting such Lamps with Oil or Gas, and it shall and may be lawful to and in the Power of the said Commissioners to order the Lamp Irons, Lamp and Gas Tubes, to be fixed either upon the Kerb Stones of the Foot Pavements or at the Railings, or upon the Houses and other Buildings on the Sides of the Streets, with as little Injury to the same as possible.

Streets and Ways to be opened up for laying down Gas Pipes.

LXXI. And be it enacted, That in case it shall be necessary, for the Purpose of fulfilling any Contract to be entered into by or with the said Commissioners for lighting with Gas the said Streets, Ways, Lanes, and other Places within the Limits of the said City and Suburbs thereof, before described, that Tubes for conveying the Gas shall be laid down in such Streets, Ways, Lanes, and other Places, it shall be in the Power of the said Commissioners and they are hereby authorized to open up the said Streets, Ways, Lanes, and other Places; and the Commissioners, and those employed by them, shall be always bound to carry on the said Operations in the Manner least inconvenient for the Inhabitants, and with the least possible Delay to restore the Streets, Ways, Lanes, and other Places opened up by them to the same State as before they shall have been so opened up.

LXXII. And

LXXII. And be it enacted, That if any Person shall wilfully take away, break, or throw down any Lamp, Lamp Post, Lamp Iron, or Gas Tube which now is or shall hereafter be set up within the Limits of the said City and Suburbs before described, or shall wilfully extinguish the Light or Lights within the same, or damage the Irons or Appurtenances thereof, it shall and may be lawful for any Person who shall see such Offence committed, or for any Watchman or Officer of Police who receives Information of the Offence, to seize or assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to cause him to be conveyed before the acting Judge of Police to answer for such Offence; and if the Person accused shall be convicted thereof, either by his own Confession or the Oath of at least One credible Witness, such Offender shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and moreover shall make Satisfaction for the Damage done.

Penalty for
breaking
Lamps.

LXXIII. And be it enacted, That it shall be the Duty of the Superintendent of Police under this Act, and of the Officers of the Watching Department, to guard, patrol, and watch the Streets, Squares, Courts, Ways, Closes, and Passages within the whole Bounds of the said City and Suburbs as herein-before described, according to the Regulations already made, or such other Regulations as shall be prescribed by the said Commissioners, or by the said Superintendent of Police under the Control of the said Commissioners, and to apprehend and bring before the acting Judge of Police under this Act all Persons who may be found within any Part of the said whole Bounds, actually committing any criminal, riotous, or disorderly Act, or accused or suspected of having committed any such Act, or offending against, or accused or suspected of offending against, any of the Provisions of this Act, in order that such Persons may be proceeded against before the said Judge, or otherwise dealt with in Terms of this Act; and it shall also be the Duty of the said Superintendent to carry into full Effect the whole Rules and Regulations hereby enacted, or which have been already made under the said recited Acts, or which under this present Act shall be made as aforesaid by the said Commissioners, to afford at all Times his best Aid and Assistance to the Magistrates of the said City and the Sheriff of the County and his Substitutes in all Matters relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the said Bounds of Police, and to enforce the Observance of all Regulations made or to be made by the said Lord Provost and Magistrates with respect to the public Markets, and the Conduct of Persons resorting to the same, and with respect to the public Coachmen, Drivers, Chairmen, Carters, and Porters, and the Rates or Dues to be received by them, and also to give Attendance when required at all Meetings of the said Commissioners or their Committees, and to furnish them with all necessary Information or Explanations relating to those Matters falling within his Department of Duty, in so far as such Matters are hereby placed under their Control, as also to give Attendance, as herein directed, in the Police Court and at the Police Office, and to obey and enforce the Observance of all the specific Regulations herein contained with regard to which certain Duties are imposed upon him, or upon the

Duties of the
Superin-
tendent and
Officers of
the Watch.

[Local.]

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Lieutenants,

Lieutenants, Sergeants, and Watchmen belonging to the Police Establishment, and generally to execute the whole Matters and Things of which the Execution is committed to him by this Act; and the said Superintendents, Lieutenants, Sergeants, Watchmen, and other inferior Officers under the said Superintendent shall, within the said City and Suburbs, have and exercise all the Powers belonging to Constables by the Law of *Scotland*.

Procurator
or Superin-
tendent may
insist in all
Cases under
this Act.

LXXIV. And be it enacted, That it shall be lawful to the Procurator Fiscal of the City of *Perth*, or to the said Superintendent of Police, and either of them is hereby authorized to insist for the public Interest by a Complaint in his own Name before the Court of Police in all Cases cognizable by that Court under this Act: Provided always, that under all such Complaints it shall be competent to the acting Judge of Police to order Restitution to the private Party aggrieved of such stolen Articles as it may be no longer necessary to detain for the Purpose of Evidence.

On Vacancy,
Commissio-
ners to ap-
point Super-
intendent.

LXXV. And be it enacted, That the said Commissioners shall and they are hereby empowered and required, from Time to Time, when the Office of Superintendent of Police shall become vacant by Death, Resignation, or otherwise, to nominate and appoint a fit Person to be Superintendent of Police under this Act, and such Appointment shall be made at a General Meeting of the said Commissioners called for the Purpose by Notices sent through the Post Office addressed to each Commissioner, and by Advertisement in at least One Newspaper published in *Perth*, such Notices and Advertisement specifying the Purpose of the Meeting, and being sent according to the Regulations to be made under this Act, and inserted in the Newspaper at least Ten Days before the Day of Meeting, and at least a Majority of all the Commissioners for the Time being present at the Time the Nomination is made; and if a Majority of the Commissioners for the Time shall not assemble at the Meeting called for the Purpose, then the Meeting shall be adjourned from Time to Time until a Majority of all the Commissioners for the Time shall assemble, and the same Notices shall be given of such adjourned Meetings as of the original Meeting.

Dismissal of
Superinten-
dent.

LXXVI. And be it enacted, That if at any Meeting of the said Commissioners a Motion be made for dismissing the Superintendent for the Time from his Office, it shall be in the Power of the Majority present at such Meeting, if they think it proper, to order a Special Meeting of the said Commissioners to be held for the Purpose of considering the Motion, which Meeting shall be called by Notices sent to the several Commissioners according to the Regulations to be made under this Act, specifying the Purpose of the Meeting, at least Three Days before it is held, and shall be held upon a Day not being less than Seven nor more than Fourteen Days after the Meeting at which the Motion was made; and the Charges against the Superintendent shall be communicated to him in Writing within Two Days after the Motion has been made; and if, at the Meeting called for the Purpose of considering the Motion, Two Thirds of all the Commissioners for the Time shall appear, then the Meeting shall proceed to Business, and

and dispose of the Motion; and shall have Power to dismiss the Superintendent, provided the Motion shall be voted for by such Number of Commissioners present as shall amount to an absolute Majority of the Commissioners for the Time; but if not Two Thirds, but only an ordinary Quorum of all the Commissioners for the Time, shall attend the Meeting, then the Meeting shall adjourn till another Day, at the Distance of not less than Three nor more than Seven Days, for the Purpose of again considering the Motion, of which adjourned Meeting a Notice, specifying the Purpose of it, shall be sent to each Commissioner within One Day after the Adjournment is made, and if at such adjourned Meeting the Majority of all the Commissioners for the Time shall appear and support the Motion, then the Superintendent shall immediately be dismissed; but if either at the First Meeting or at the adjourned Meeting the Motion be not voted for by at least a Majority of all the Commissioners for the Time, then the Motion for Dismissal shall be held as rejected.

LXXVII. And be it enacted, That a Majority of those present at any Meeting of the Commissioners may suspend the Superintendent on a Charge of culpable Conduct in his Office being made against him; and if a Motion for his Dismissal be made, and a Meeting be appointed to consider it, then it shall be in the Power of the Majority of those present at any Meeting to continue the Suspension from Time to Time until that Motion has been disposed of; but if there be not a Motion for Dismissal, and a Meeting appointed for considering it, then a Meeting shall be held, not sooner than Seven Days nor later (except at the Superintendent's Request) than Fourteen Days, for considering the Charges against the Superintendent, and following them by a Motion for Dismissal or reinstating him in his Office.

Superintendent may be suspended.

LXXVIII. And be it enacted, That in case the Superintendent shall at any Time be suspended, or in case the Office shall at any Time be vacant, it shall be lawful to the Majority of those present at any Meeting of the said Commissioners to appoint an interim Superintendent, and to remove him, and appoint another in his Stead, from Time to Time at their Pleasure; during such Suspension, or until the vacant Office be filled.

Interim Superintendent may be appointed.

LXXIX. And be it enacted, That it shall and may be lawful to the said Commissioners, or the Majority of them present at any General Meeting to be called for the special Purpose, and they are hereby empowered, from Time to Time to appoint a fit Person to be Inspector of Lighting and Cleansing within and over the said whole Bounds of Police, at such Salary as to them shall appear proper; and otherwise the Duties and Powers hereby incumbent on and committed to such Inspector shall devolve and are hereby devolved upon the Superintendent of Police for the Time.

Inspector of Lighting and Cleansing to be appointed, or the Duties to be devolved upon the Superintendent.

LXXX. And be it enacted, That it shall and may be lawful to the said Commissioners, or the Majority of them present at any General Meeting to be called for the special Purpose of considering a Motion to that Effect made at a previous Meeting, to dismiss the Inspector so appointed, if an Appointment has been made, and to appoint

General Powers of the Commissioners in relation to the Inspector.

appoint another fit Person in his Stead, or devolve his Duties and Powers as aforesaid on the Superintendent of the Police, or to relieve and deprive such Superintendent of the Duties and Powers of the Inspector, in case they shall have been devolved upon him, and to appoint a fit Person to be Inspector as aforesaid; and in case a Charge of Misconduct shall be made against the said Inspector, it shall be lawful to the Majority present at any Meeting of the said Commissioners, without any previous Notice, to suspend such Inspector from the Powers and Duties of his Office until his Conduct be considered, and to appoint any other Officer of the Establishment to use and exercise the Powers and Duties of the Inspector in the meantime.

Duties of
Inspector.

LXXXI. And be it enacted, That it shall be the Duty of the said Inspector, if he shall be appointed, or it shall be the Duty of the Superintendent of Police, in case there be not an Inspector, to see that all the Lamps within and over the said City and Suburbs be lighted in due Time, and kept in all respects in proper Order, and that the public Streets, Squares, Passages, and other Places within and over the said City and Suburbs be duly and sufficiently and in proper Time cleansed by the Scavengers employed under his Charge and Inspection, and to attend any of the Meetings of Commissioners when required, and to attend to the due Fulfilment of all Contracts made by the Commissioners as to lighting and cleansing the said public Streets, Squares, Passages, and other Places, and as to the Removal or Sale of Dung, Soil, Dirt, Ashes, and Filth within the Bounds of the said City and Suburbs, to make a Report to the said Commissioners at each of their stated Meetings, and at other Times, if required, upon the State of the Department of Lighting and Cleansing, to execute all the other Duties imposed on him by this Act, and to obey all the Orders, Instructions, and Regulations which may from Time to Time be made by the said Commissioners relative to the Execution of the Duties before mentioned.

May prose-
cute in his
own Name.

LXXXII. And be it enacted, That it shall be lawful to the said Inspector and he is hereby authorized and required to insist for the public Interest, by a Complaint in his own Name before the said Court of Police, in all Cases arising out of any Breach of the Regulations hereby made or which may be made by the said Commissioners as to lighting or cleansing, and as to all other Matters and Things hereby placed under his Charge.

Lieutenant
of Police or
other Officer
may exercise
the Office of
Superinten-
dent or
Inspector.

LXXXIII. And be it enacted, That in case of the Incapacity from Sickness or otherwise or the necessary Absence of the Superintendent of Police or of the Inspector of Lighting and Cleansing, if there be such, it shall be lawful to such Superintendent or Inspector, on obtaining the Concurrence of the acting Judge of the Police Court, or to the said acting Judge, by a Minute in the Court Book, or by any other Mode that may be convenient, to authorize and empower the Lieutenant of Police, or if there be no Lieutenant then any of the Sergeants or other superior Officers of the Establishment, to use and exercise all the Powers and Duties of the Superintendent or Inspector, or Superintendent and Inspector, as the Case
may

may be, during such Incapacity or Absence, and such Officer shall accordingly on such Authority have and exercise every Power and Duty hereby belonging to or incumbent on the Officer so incapable or absent.

LXXXIV. And be it enacted, That from and after the passing of this Act, in case the said Commissioners shall not at the Time have judged it expedient to take the cleansing of the Foot or Side Pavements and Water Channels of the Streets, Squares, Ways, and Passages within the said whole Bounds of Police, or within any particular Part thereof, under their own Management, in manner herein provided, the Persons who shall possess the Shops, or, where there are no Shops, or the same are unoccupied, the Persons who shall possess the First Floor of any Dwelling House or other House or Building fronting the said Foot or Side Pavements, and the Persons possessing the Houses in any Close or Passage having its Entry from the said Foot or Side Pavements, shall cause the said Foot or Side Pavements along the Fronts of their respective Shops and Property or Passages to be swept, scraped, and cleansed once every lawful Day between the Hours of Eight and Nine in the Morning, or at such other Time as the Commissioners, in any general Regulations to be made by them in relation thereto, shall direct, and shall gather together and deposit the Soil arising from such sweeping, scraping, and cleansing upon the adjoining Street, Causeway, or public Place, clear of the Foot Pavement and Water Channel, in such Way and Place as may be directed by the said Regulations, and shall, when Snow has fallen, sweep, scrape, and cleanse the said Side or Foot Pavements, and also the Water Channel opposite thereto, as often in each Day as it may be necessary, or as by such Regulations, or by the Superintendent or Inspector or other Officer employed, may be directed, and where there are no Inhabitants on the First Floor, then the said Obligations shall apply to the Possessor on the Second Floor, and so on to the Possessor of the Floor next in Order, failing the one immediately below; and if any of the said Persons shall fail to implement the said Obligation, it shall and may be lawful for the Police Court hereby constituted to fine and amerciate such Person or Persons in any Sum not exceeding Five Shillings for each Offence, over and above the Expence of doing by others what they have so failed to do, the Superintendent or Inspector being hereby empowered, in Cases of Failure, to employ Scavengers or others to do the Work, and the Persons whose Duty it was being bound to pay the Expence; and in case any Dispute shall arise among the Occupiers of Shops, Dwelling Houses, or other Buildings adjoining the said Foot or Side Pavements, as to the sweeping, scraping, or cleansing the same, or the clearing of the Water Channel opposite thereto, or in any way in relation to the Obligation above mentioned, it shall and may be lawful to the said Police Court to hear, inquire into, and determine such Dispute: Provided always, that in case it shall appear to the said Commissioners to be expedient themselves to undertake in whole or in part the sweeping, scraping, and cleansing, or the clearing from Snow of the said Foot or Side Pavements, or the clearing of the said Water Channels, or of any Part of the said Foot or Side Pavements

[Local.]

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ments

ments or Water Channels, then it shall and may be lawful to the said Commissioners to employ the public Scavengers to do so, and to defray the Expence thereof out of the Fund raised by virtue of this Act.

Streets to be
cleansed.

LXXXV. And be it enacted, That the public Streets and Squares, public Passages and other Places, and also the Foot or Side Pavements within the said whole Bounds of Police, in case the said Commissioners shall not devolve the cleansing of the Foot or Side Pavements upon the Possessors of the adjoining Shops, Houses, or other Buildings, as before provided, shall be swept and cleansed by Persons to be appointed in manner herein directed, and the said Commissioners shall provide for the Removal from the said Streets, Squares, Passages, and other Places of all Fulzie, Soil, Dirt, Ashes, and Filth to such Places as they shall appoint.

Rubbish to
be removed.

LXXXVI. Provided always, and be it enacted, That all Coal, Culm, sweeping of Cellars, and other Rubbish which have been or maybe collected within any of the Houses or other Buildings within the said whole Bounds of Police, and of which the Inhabitants may wish to be relieved, shall be forthwith removed under the Direction of the Superintendent or Inspector, or any Person employed by the Superintendent or Inspector, to such Place within the Limits of the said Bounds of Police, in such Way, at such Times, and at the Expence either of the public or the private Party, as shall be directed by the Regulations made or to be made in relation thereto by the said Commissioners.

Dung, &c.
vested in the
Commission-
ers.

LXXXVII. And be it enacted, That the whole Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the whole Bounds of Police before described shall be vested in the said Commissioners, saving and excepting the Dung from Stables and Cowhouses, and the Soil and Refuse (other than Ashes) of Tanyards, Breweries, and Distilleries; and it shall and may be lawful to them to sell or dispose of, as public Property, the said Dung, Fulzie, Soil, Dirt, Ashes, and Filth, for Manure, to such Person or Persons as may be willing to purchase the same, or to lease out the Removal and Disposal thereof to such Person or Persons as may be willing to enter into such Lease, for such Rent or Rents as may be agreed on, and that in such Manner as the said Commissioners shall think fit; provided always, that such leasing shall always be by public Roup or Auction, and not otherwise; and the Money arising from such selling or leasing shall make Part of the Funds vested in the said Commissioners for the general Purposes of this Act.

Regulations
regarding
Dung, &c.

LXXXVIII. And be it enacted, That if any Person shall sell or otherwise apply to his own Purposes, or throw or convey into the River *Tay*, or destroy, any such Dung, Soil, Fulzie, Dirt, Ashes, and Filth so vested in the said Commissioners, he shall be liable in a Penalty, over and above the Value of the same, of any Sum not exceeding Twenty Shillings: Provided also, that it shall be lawful to the said Commissioners to make and establish from Time to Time general Regulations, or to alter or amend the existing general
Regu-

Regulations, in relation to the gathering, collecting, conveying, depositing, retaining, and accumulating of the Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the said whole Bounds of Police, as well what is vested in them as what is not vested in them, so as to insure the gathering, collecting, conveying, and disposing thereof early in the Morning or at other proper Hours, and generally in such Way as will create the least possible Annoyance to the Public, and to prevent the depositing, retaining, and accumulating thereof in Places or in Quantities or for a Length of Time such as may occasion or give reasonable Cause to fear Consequences injurious to the Health or Comfort of the Neighbourhood or of Individuals; which Regulations so to be made, or Alterations or Amendments of the existing Regulations, shall be published in at least One Newspaper published in *Perth*, and in such other Way as the Commissioners may consider to be sufficient for insuring the Intimation thereof to those interested; and in case of Failure in observing the said Regulations, or in case the Owner of the Dung, Fulzie, and Refuse of any Stable, Cowhouse, or Tanyard, shall mix or allow to be mixed therewith any Dung, Fulzie, Soil, Dirt, Ashes, or Filth vested in the said Commissioners, or if any Dung, Fulzie, Soil, Dirt, Ashes, or Filth vested in them shall be mixed with Dung, Fulzie, or Refuse of any Stable, Cowhouse, or Tanyard, without the Knowledge of the Owner thereof, and the said Owner shall not, within Twenty-four Hours after he shall have come to the Knowledge of such Mixture having taken place, give Notice thereof to the said Inspector of Lighting and Cleansing, or those acting under him, or, if there be no such Inspector, to the Superintendent of Police, or those acting under him, in all or any of these Cases it shall be lawful for the Judge officiating in the Police Court, and he is hereby authorized and required, to declare the entire Quantity of such mixed Dung, Fulzie, and Refuse to be vested in the said Commissioners, and to give Decree against the said Owner or Owners for the Expence of the Proceedings taken against him or them, and it shall then be lawful for the said Inspector or the said Superintendent, or the Person to whom the public Dung may be leased, to take possession of, sell, and dispose of the said mixed Dung, Fulzie, and Refuse as public Property, and the Money thence arising shall make Part of the Funds for the general Purposes of this Act.

LXXXIX. And be it enacted, That it shall be lawful for the said Inspector, or those acting under him, or if there be no such Inspector for the said Superintendent, or those acting under him, or for the Person to whom the public Dung may be leased, to seize, detain, and secure all Dung, Fulzie, or Refuse gathered, collected, conveyed, deposited, retained, or accumulated in breach of said Regulations, or mixed as aforesaid, or alleged to be so, until any Question that shall arise regarding it shall be determined by the Judge acting in the Police Court.

Inspector authorized to secure Fulzie, &c. until Questions regarding it are decided.

XC. And be it enacted, That if any Person shall be convicted before the Judge officiating in the Police Court of having mixed or allowed to be mixed with the Dung, Fulzie, or Refuse of Stables, Cowhouses, Tanyards, Breweries, or Distilleries belonging to private

Penalty for mixing Dung, &c.

vate Parties, any Dung, Fulzie, Soil, Dirt, Ashes, or Filth vested by this Act in the said Commissioners, such Person or Persons shall be liable for every such Offence in a Penalty not exceeding Forty Shillings.

Provision
against de-
positing the
Police
Manure in
same Place
with other
Manure.

XCI. And be it enacted, That in case any Person or Persons shall, without the Consent or Approbation of the said Superintendent or Inspector, deposit any Dung, Soil, Fulzie, Dirt, Ashes, or Filth hereby vested in the Commissioners in the same Court or Places with the Dung from Stables, Cowhouses, or Tanyards, or in such a Situation as to afford Facilities for mixing the same, to the Prejudice of the said Commissioners, then every such Person so offending shall be liable for the first Offence in a Penalty not exceeding Five Shillings, and for every Offence after the first in a Penalty not exceeding Twenty Shillings: Provided always, that in all Cases of Penalties awarded under the foregoing Enactments in relation to the Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the said Bounds of Police, it shall be lawful to the said Commissioners to order any Part not exceeding One Half of the Penalty to be paid to the Informer.

Power to
purchase or
erect Dung-
hill Stances,
and to erect
Privies.

XCII. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to take in Lease for a Term of Years, and on such Conditions as they may deem reasonable, or to bargain and agree for the Purchase of Ground for the Purpose of Dunghill Sites and Stances, and to pay the Rent, Price, or Feu Duty of such Ground out of the Funds to be raised by virtue of this Act, and to inclose such Grounds, if it shall be deemed necessary to do so; with Power also to the said Commissioners from Time to Time to erect or provide such Number of Privies or Necessary Houses and in such Situations as they may deem proper, as conducing to the Purposes of general Cleanliness within the Bounds of Police aforesaid, so as the same be not to the Annoyance of any individual Proprietors or their Property, and to purchase or take in Lease Ground for such Privies.

No Cattle to
be driven
on Sunday
for slaughter.

XCIII. And be it enacted, That no Person shall drive Cattle or Bestial of any Description on *Sunday* through any Part of the said Bounds of Police, for the Purpose of being slaughtered within the same, under a Penalty not exceeding One Pound for each Offence.

Punishment
of Persons
selling un-
wholesome
Meat.

XCIV. And be it enacted, That it shall and may be lawful for the Superintendent of Police under this Act, and Officers acting under him, to apprehend and bring before the Judge of the said Police Court any Person who shall sell or expose to Sale, in any Market, Shop, Stand, or Place within the Bounds to which this Act or any Part thereof extends, any Butcher's Meat, Fish, Game, Poultry, or Fruit of an unwholesome Description, and to seize and take possession thereof, and if, after Inspection, Two or more respectable Dealers in such Articles shall certify that it is unwholesome, and ought to be buried, the said Superintendent or Officers are hereby

hereby authorized and empowered immediately to cause it to be buried or otherwise destroyed; and any Person who shall be convicted of selling or exposing any such Articles to Sale as aforesaid shall for each Offence be fined by the said Court in a Sum not exceeding Five Pounds, over and above the Expences of the Complaint, and the Meat, Fish, Game, Poultry, or Fruit so seized shall, upon such Conviction, be declared to be forfeited, and shall, if not already buried or destroyed, be disposed of as the said Court shall direct; and the said Superintendent and Officers are hereby authorized and empowered to apprehend all Butchers and other Persons who shall within the said Bounds sell or expose to Sale any Bull Beef without having the Words "Bull Beef" exhibited on a Board in Roman Characters of at least Three Inches in Length and of a proportional Breadth over the Place or Stall in which it is or was exposed to Sale, and may seize and take possession of such Beef, to be produced in Evidence; and upon Conviction the said Judge is hereby authorized and empowered to fine the Offender or Offenders for every such Offence in any Sum not exceeding Five Pounds, besides the Expence of Complaint and Conviction, and such Beef may be declared forfeited, or otherwise disposed of, as the said Judge may direct.

XCV. And for the better preventing the Nuisance of throwing out foul Water and other Filth upon the Streets, be it enacted, That in all Streets or other Places within the said Bounds of Police where Common Sewers are now or may hereafter be constructed it shall be lawful for the Proprietors of One or more of the Floors or Flats of Houses divided into separate Floors to erect One waste or foul Water Pipe along the Back Wall of the Tenement on the Outside, communicating with the Drain underground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if there is not One already, and afterwards to keep the same in good and sufficient Repair; provided that Authority shall first be obtained from any competent Court for erecting such Pipe and making such Communication or Drain, or, if necessary, for cleansing or repairing such Pipe, Communication, or Drain; and provided also, that the Expence and Damage occasioned by erecting and constructing such Pipe, Communication, and Drain, and the Expence of keeping the same clean and in good Repair, shall be defrayed by the Proprietors of Floors or Flats making use of the same, in proportion to their Valuation.

Power to Proprietors of Flats to erect Soil Pipes.

XCVI. Provided always, and be it enacted, That it shall not be lawful for the Proprietors of Floors or Flats to make use, for the Purpose of Water Closets or such like Purposes, of any Drain or Communication into the Common Sewer under the Ground Floor of the Tenement, without the Consent of the Proprietor of the said Ground Floor.

Soil of Water Closets not to be introduced into Drains without Consent.

XCVII. And be it enacted, That the Pipes to be laid or used for the Conveyance of Gas in, under, through, or across any Street, Road, or other Place within the said whole Bounds of Police shall

Laying down Gas Pipes.

[Local.]

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be

be laid at the greatest practicable Distance from the nearest Part of any Pipe or Conduit already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, or across any of the said Streets, Roads, or other Places, and whenever the Width of the Carriageway in such Street, Road, or other Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any such Water Pipe or Conduit, unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes across any of the said Water Pipes or Conduits, in which Cases the said Gas Pipes shall be laid over and above such Water Pipes or Conduits at the greatest practicable Distance therefrom, and shall form therewith as nearly as possible a Right Angle, and in such Cases such Gas Pipes so crossing the said Water Pipes or Conduits shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes or Conduits than Four Feet at least; and in laying down any such Gas Pipes it shall not be lawful for any Gas Light Company, or Persons supplying the said City with Gas, to join Two or more Gas Pipes together previously to their being laid in the Trench, but they shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon Pain of forfeiting for every such Offence (if the Gas Light Company or Person to whom such Pipes shall belong neglect or refuse to make such Gas Pipes Air-tight within Twenty-four Hours after Notice thereof given to them in Writing) any Sum not less than Twenty Shillings nor more than Ten Pounds.

To prevent
Escape of
Gas.

XCVIII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up under the Authority of this Act, or which have already or may be otherwise laid down or set up, the Persons to whom such Pipes shall belong, or who shall have the Charge or Superintendence thereof, shall at their own Expence, immediately after receiving Notice thereof verbally or in Writing from any Inhabitant in any Place within the said whole Bounds of Police, or Person whatsoever, cause the most speedy and effectual Means to be taken to stop and prevent such Gas from escaping; and in case such Persons shall not, within Twenty-four Hours next after such Notice verbally or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and remove the Cause of Complaint, then and in every such Case such Person shall for every such Offence forfeit and pay the Penalty or Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of Service of such Notice during which Gas shall be suffered to escape as aforesaid; which Penalty, with all reasonable Charges, shall from Time to Time be recoverable on the Oath of One or more Witness or Witnesses before the said Police Court.

XCIX. And

XCIX. And be it further enacted, That if any Person, Company, or Corporation, making or supplying Gas within the Limits of this Act, shall empty or permit to flow any Washings or waste Liquids, Substances, or Things whatsoever which shall arise or be produced in or by the Gas Works of such Person, Company, or Corporation, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case the Person, Company, or Corporation so offending shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered before the Judge Ordinary of the County of *Perth* or the Magistrates of *Perth* (as the Case may be), with double Expences of Process, and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said waste Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, Canal, or Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the Person, Company, or Corporation to whom such Gas Works belong, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, or from running or flowing in manner aforesaid, and every other such Act from being done as aforesaid, then and in every such Case such Person, Company, or Corporation so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied or allowed to run or flow in manner aforesaid, or such other Act shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalties and Forfeitures are in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Judge ordinary or Magistrates before whom the Conviction shall take place shall have sustained any

Penalty for conveying Washings of Gas into any River, Stream, &c.

any Annoyance, Injury, or Damage by such Act done or committed.

Power to
license
Hackney
Coaches,
&c.

C. And be it enacted, That the Lord Provost and Magistrates of *Perth* for the Time shall have full Power and Authority and they are hereby empowered and authorized to license such Number of Hackney Coaches, Landaus, Chariots, Cabriolets, or other Carriages for Hire as they from Time to Time shall think proper, the City Clerks of *Perth* for the Time receiving the Sum of One Shilling for each Licence, such Licence to continue in force for Twelve Months; and to prevent all others not licensed from plying for Hire to or from any Place within the said Bounds of Police; and if any Person who shall obtain such Licence shall not, within the Space of One Month after obtaining or receiving the same, keep and maintain such Coach or other Carriage for which such Licence shall be granted for the Use and Convenience of the Public, and continue to do so during the Continuance of his or her Licence, and shall, on the Complaint of the Superintendent of Police, be convicted thereof before the officiating Judge in the Police Court hereby constituted, by the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds for each Offence, and the Licence thereafter shall be void; but in case the Person so offending shall, before such Conviction, surrender his or her Licence to the Magistrates, such Fine or Penalty shall not be levied.

For regulat-
ing Hackney
Coaches, &c.

CI. And be it enacted, That the said Lord Provost and Magistrates shall be and are hereby authorized and empowered to make such other Rules and Regulations as they shall think fit for licensing and regulating the said Hackney Coaches and other Carriages, and also for licensing and regulating Sedan Chairs, Carts, Waggons, Chairmen, Carters, and Porters within the said Bounds of Police, and for trying in the Police Court hereby constituted and punishing the Misbehaviour of Coachmen, Drivers, Chairmen, Carters, and Porters, and for fixing and altering the Stands, and for ascertaining what Rates and Fares, both as to Distance and Time, shall be allowed to be taken by them, and to what Distance and under what Penalties Coachmen, Drivers, Chairmen, Carters, and Porters shall be obliged to drive or ply in and round the said City and Suburbs, not exceeding Seven Miles from the Town House of the said City for Coachmen and Drivers, and Two Miles from the said Town House for Chairmen, Carters, and Porters; and the said Lord Provost and Magistrates shall have a discretionary Power to grant or refuse such Licences, and to withdraw the same if they shall see Cause; and no Person other than a licensed Coachman, Driver, Chairman, Porter, or Carter shall take his Stand either at the Harbour or on the Streets or at the Market Places of *Perth* waiting to be hired, or shall at the Harbour or on the Streets or at the Market Places of *Perth* offer himself or apply to be hired as a Coachman, Driver, Chairman, Carter, or Porter within the said Bounds of Police, under a Penalty not exceeding Ten Shillings for each Offence; and the said Lord Provost and Magistrates are hereby authorized and empowered from Time to Time to repeal and to alter or amend the
Rules

Rules and Regulations to be made by them as aforesaid, or any of them, and impose Fines and Penalties for the Breach or Non-performance of such Rules and Regulations; which Fines and Penalties shall be recoverable in the Police Court, at the Instance of the Superintendent of Police or on the Complaint of any private Person aggrieved; but declaring that no one Penalty imposed by the said Lord Provost and Magistrates shall exceed One Pound for any one Offence, and that all such Rules and Regulations, and a Specification of the Fines and Penalties for the Breach and Non-performance thereof, printed and affixed on Boards, shall from Time to Time, as often as they shall be made, altered, or varied, be put up in some such public Places within the said Bounds of Police as the said Lord Provost and Magistrates shall appoint, and be renewed when defaced: Provided always, that such Rules and Regulations shall not be contrary to the Law of *Scotland*, and shall previously to the same being acted upon be approved of by the Sheriff of the County; and that until new Rules and Regulations are made as aforesaid those in force at the passing of this Act shall remain in force and be binding and effectual in the same Manner and under the like Penalties as if made under this present Act.

CII. And be it enacted, That if any Person, having hired or caused to be hired any such Coachman, Driver, Chairman, Carter, or Porter, licensed as aforesaid, and the Service required having been performed, shall refuse to pay such Coachman, Driver, Chairman, Carter, or Porter for his Services according to the Rates ascertained as aforesaid, or shall in any way defraud such Coachman, Driver, Chairman, Carter, or Porter, every Person so offending, over and above making Payment of the Hire according to the Rate ascertained as aforesaid, or compensating the Injury arising from such Fraud, shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds, besides the Charges of Complaint and Recovery, in case the Judge in the Police Court shall think it reasonable and proper in the Circumstances of the Case to award such Penalty and Charges.

Penalty on
defrauding
Coachmen,
&c.

CIII. And be it enacted, That no Person, other than a Pawnbroker licensed in Terms of Law, shall carry on the Business of a Broker or Dealer in Second-hand Goods or Articles within the Bounds to which this Act or any Part thereof extends, unless such Person shall first have received a Licence from the Magistrates of *Perth* authorizing such Person to carry on such Business, and which Licence the said Magistrates shall have a discretionary Power of granting or refusing as they shall see Cause, and when granted such Licence shall not endure for a longer Period than One Year, unless renewed; and a Fee not exceeding One Shilling shall be paid to the City Clerks of *Perth* at the granting of each Licence and at each Renewal thereof; and the said Clerks shall enter such Licences in a Book to be kept for that Purpose; and it shall be lawful to the Judge officiating in the Police Court at the Time, on the Conviction of any such licensed Broker or Dealer in Second-hand Goods of any Offence under this Act connected with his or her Business of a Broker or Dealer in Second-hand Goods, to cancel the Licence granted in favour of such Person, and declare the same to be forfeited; and if any Person shall carry on

Brokers, &c.
to be
licensed

[Local.]

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the Business of a Broker or Dealer in Second-hand Goods, or shall buy, except for his or her private Use, or receive in Pledge for the Purpose of profiting by the Transaction, any Second-hand Goods or Articles without a Licence in Terms of the Provisions above written, every such Person for every such Offence shall be liable in a Penalty not exceeding Five Pounds for each Offence: Provided always, that it shall be lawful to the Judge by whom such Penalty is awarded to order Part, not exceeding One Half thereof, to be paid to the Informer.

and to produce Goods on Demand.

Certificate of Deposition to be given if required.

CIV. And be it enacted, That all Pawnbrokers and other Brokers, and Dealers in old Cordage, Metals, or other Second-hand Goods of any Kind or Description, within the Limits over which this Act or any Part thereof extends, shall at all reasonable Times show and produce, on Demand, to the Superintendent of Police or the Officers acting under him all and every Article or Articles, of whatsoever Kind or Description, in their Possession, which they may have received in Pawn or purchased, and shall also keep a Book in which a proper and sufficient Description of such Articles shall be entered immediately on the pawning or purchasing being made, the Time of the pawning or purchasing, and the Name of the Person from whom the Articles are received, and by whom they are pawned or sold, being also mentioned; and such Pawnbrokers and other Brokers and Dealers shall also, when required, produce the said Book in the Police Court, or to the Superintendent of Police or any of the Lieutenants or Sergeants, or any other Officer having the Authority of any Magistrate or of the said Superintendent to require the same; and as often as it shall be found that any Articles which shall be alleged to have been stolen or fraudulently obtained shall be in the Possession of any such Persons, they are hereby required, on being informed that such Articles were stolen or fraudulently obtained, to deposit the same with the Superintendent of Police, or in his Absence with the acting chief Officer of Police (who shall be bound to tender, and, if required, to grant a Certificate of the said Deposition having been duly entered in a Book in manner by this Act directed), in order that they may be produced in such Manner as may be necessary for the Ends of public Justice, or restored by Order of a Magistrate; and all Persons so dealing in Second-hand Goods who shall omit to keep a Book containing a proper and sufficient Description of all and every Article purchased or received by them in Pawn, or shall fail to enter in such Book immediately on receiving the Pawn or making the Purchase a proper and sufficient Description of any Article received in Pawn or purchased, or shall refuse to produce and show the Book in which the Entry is made, on being required so to do by the Superintendent of Police or any Officer acting under him, or who shall refuse to produce and show the Articles in their Possession, or who shall not instantly deliver any such Goods or Articles alleged to be stolen or fraudulently obtained as aforesaid to the said Superintendent of Police or acting chief Officer, on Certificate as aforesaid, shall for every such Offence be fined in a Sum not exceeding Five Pounds upon Conviction, on a Complaint to be brought before the Judge acting in the Police Court, without Prejudice to such Persons being also proceeded against

against as Receivers or Resettlers of stolen Goods according to Law; and in case of any such Refusal to produce and show such Articles in their Possession, or to deliver up any such Articles alleged to be stolen, it shall be lawful for the Superintendent of Police or any of the Lieutenants acting under him, or to any other Officer of Police, such other Officer having special Authority from the said Judge acting in the Police Court or from the said Superintendent of Police, to search for and lodge in the Police Office such Articles so alleged to be stolen: Provided always, that a Book shall be kept by or under the Directions of the said Superintendent in which Entries shall be made of all Property seized or detained by any of the Officers of Police, or lodged with them for the Purposes of Evidence or otherwise, as well as of the Time and Manner in which such Goods shall have been afterwards disposed of.

Entries to be made of stolen Goods taken.

CV. And be it enacted, That if any such Pawnbroker or other Broker, or Dealer in old Cordage, Metals, or other Second-hand Goods, within the Bounds to which this Act or any Part thereof extends, shall melt any Metals, or otherwise alter or deface them or put them away, or alter or deface or put away any other Article of any Kind whatsoever, without having previously received the Permission of the Superintendent of Police, and it shall be found that such Articles were stolen or fraudulently disposed of by the Person or Persons from whom such Pawnbroker or other Broker or Dealer may have acquired them, or by any other Person or Persons, then and in such Case it shall be held that such Pawnbroker or other Broker or Dealer knew that such Articles were stolen or fraudulently disposed of, and such Pawnbroker or other Dealer shall be proceeded against according to Law as a Receiver of stolen Goods or as being a Party to the Fraud, and punished accordingly, and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away as aforesaid.

If Articles stolen or fraudulently disposed of be altered or defaced by any Pawnbroker, &c., he shall be held a Receiver of stolen Goods.

CVI. And be it enacted, That if any Pawnbroker or other Broker, or Dealer in Second-hand Goods, within the foresaid Bounds, shall purchase, take, or receive any Goods or Articles of whatever Description from any Person or Persons under Fourteen Years of Age, such Pawnbroker, Broker, or Dealer shall, upon being convicted thereof before the Judge acting in the Police Court, be fined in any Sum not exceeding Five Pounds.

Brokers, &c. not to purchase or receive Goods from Persons under Fourteen Years of Age.

CVII. And be it enacted, That the Owners and Occupiers of all Steam Engines, and of all Iron Foundries, Glass Works, Gas Manufactories, Distilleries, Breweries, and other Manufactories wherein Furnaces are used, already erected within the said Bounds of Police, (the Occupier being entitled to Relief from the Owner,) shall, within Six Months after being required, adopt such Method as the said Commissioners of Police at any Meeting shall direct for consuming and burning the Smoke arising therefrom, so far as the same can be done, so as to prevent the same occasioning any Nuisance which can be avoided; and if any Person shall after the passing of this Act erect any such Steam Engine, Iron Foundry, Glass Work, Gas Manufactory, Distillery, Brewery, or other Manufactory wherein any

Steam Engines to consume their own Smoke.

any Furnace is used within the Limits aforesaid, without the same being upon the Principle of consuming its own Smoke as far as practicable, or being possessed of or occupying any Steam Engine, Iron Foundry, Glass Work, Gas Manufactory, Distillery, Brewery, or other Manufactory wherein any Furnace is used, shall not re-construct the same upon the Principle of consuming its own Smoke as far as practicable, according to the Method which the said Commissioners shall direct, he shall, besides being obliged to re-construct the same, forfeit and pay for every such Neglect any Sum not exceeding Fifty Pounds; and under the like Penalty all such Persons, in case the Method directed by the said Commissioners shall be found not to be efficient for the End in view, shall be bound and are hereby required to alter or re-construct their Works, if required by the said Commissioners, according to such other Method as may afterwards be directed; but in case of such second Alteration or Construction the Expences thereby occasioned shall be defrayed by the said Commissioners out of the Monies to be raised by virtue of this Act: Provided always, that all Complaints in relation to these Matters shall be judged of and the Penalties incurred shall be imposed by the acting Judge of Police, on the Application of the Procurator Fiscal or Superintendent of Police, or of any Three Householders whose Dwelling Houses, Manufactories, or Places of Business are in the Neighbourhood of the Works complained of, and in case of a Complaint by private Parties it shall be lawful to the said Judge to order any Part not exceeding One Half of the Penalty imposed to be paid to such private Party; and all such Penalties shall be over and above the Costs of Suit.

Commissioners may procure Fire Engines;

and appoint Firemen.

CVIII. And be it enacted, That it shall and may be lawful to the said Commissioners and they are hereby authorized and empowered to purchase and procure such Fire Engines, Pipes, and other Apparatus useful for extinguishing Fires and preventing the Accidents which may arise from them as they may think proper; and such Person as the said Commissioners shall appoint shall take charge of all such Fire Engines, Pipes, and other Apparatus, and he or the said Commissioners shall appoint such Number of active Men as the said Commissioners shall direct for working and managing such Engines, Pipes, and other Apparatus in a proper Manner, and for assisting in extinguishing Fires which may happen within the said City and Suburbs; and the Commissioners may make Rules and Regulations (subject always to the Approval of the Sheriff of the County) for the Government of the Persons so appointed, which they shall be bound to obey under Penalties not exceeding Five Pounds for each Offence.

Engines may be sent beyond the Bounds of Police, and Parties assisted to be liable in Expences.

CIX. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to permit Engines, Implements, Apparatus, Firemen, and generally all and any Part of the Fire Establishment, to be sent beyond the said Bounds of Police for the extinguishing of Fire, the Owners and Occupiers of the Premises to whose Assistance the same shall be sent being always bound in such Cases to defray the actual Expence that may be thereby incurred; and in the event of Difference of
Opinion

Opinion between the Parties, the Amount of the said Expences, and also the Reasonableness of sending such Engines and other Matters and Things, shall be fixed summarily by the Sheriff of *Perthshire* or his Substitute, whose Decision shall be final and binding on all Parties concerned; and the Amount of the said Expences as so incurred, or as the same may in case of Dispute be fixed by the Sheriff or his Substitute as aforesaid, shall be recovered by a summary Warrant under the Hand of the said Sheriff or his Substitute, upon the Application of the Clerk or Treasurer of the said Police Establishment; the Owners and Occupiers of the Premises where the Fire may have occurred, and all others interested, being always entitled to mutual Relief against each other according to Law for the Amount of the Sums to be so paid by them or any one of them from whom the said Commissioners may recover the same: Provided always, that it shall be in the Power of the said Commissioners of Police and they are hereby authorized and empowered, either to modify the said Charges to such Extent as they may see proper, or altogether to pass from the same when they see Cause for doing so, in which Event the Charges attending the extinguishing such Fires shall be defrayed out of the ordinary Funds raised by virtue of this Act.

CX. And be it enacted, That if any Chimney or Funnel for conveying Smoke within the said Bounds of Police be set on fire, or suffered to be set on fire or shall take fire, the Occupier of the Shop, Dwelling House, Workshop, or other Place to which such Chimney or Funnel belongs shall be liable in a Penalty not exceeding Ten Shillings, and such Occupier shall moreover be liable in such further Sum not exceeding Ten Shillings as the acting Judge in the Police Court shall award, to be paid in such Proportions, if there be more Claimants than One, as the said acting Judge shall direct, to the Fireman or Firemen or other Person or Persons by whom such Fire is extinguished, or to the Fireman or Firemen who shall soonest proceed to the Place in order to assist in extinguishing such Fire, or who shall report such Fire at the Police Office.

If Chimnies, &c. take Fire, a Penalty to be paid, and also a Reward to Firemen, &c.

CXI. And be it enacted, That all the Firemen, if any, and Police Officers, to be employed under this Act, shall and are hereby required to report at the Police Office all Fires which they may have observed or which shall come to their Knowledge within the said Bounds of Police, in order that the Penalties aforesaid may be pursued for and recovered.

Firemen and other Officers to report all Fires.

CXII. And be it enacted, That no Merchant, Shopkeeper, or Trader, Dealer in Gunpowder, or other private Individual within the said whole Bounds of Police, shall have or keep in his House, Shop, or Warehouse at any one Time, except for the Purpose of being conveyed to the Storehouse or Magazine after mentioned without any unnecessary Delay, more than Ten Pounds Weight of Gunpowder, which shall be kept in Two separate covered Copper Canisters of equal Sizes, of such Construction as shall be prescribed or approved of by the said Commissioners, but shall deposit and lodge his whole

Limiting the Quantity of Gunpowder to be kept in Houses, Shops, &c.

[Local.]

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remaining

remaining Stock of Powder in the Storehouse or Powder Magazine already provided or which may hereafter be constructed or provided by the Magistrates of *Perth* or by the said Commissioners; and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candlelight, or other artificial Light; and if any Person shall be convicted of having in his House, Shop, or Warehouse at any one Time, longer than is reasonably necessary for the Removal thereof to the Storehouse or Magazine aforesaid, a greater Quantity than Ten Pounds Weight of Gunpowder, he shall forfeit and pay the Sum of Twenty Shillings for every Pound Weight above the said Quantity, over and beside the Forfeiture thereof; and if any Person shall be convicted of keeping in his House, Shop, or Warehouse at any one Time, otherwise than in Canisters as aforesaid, any Quantity of Gunpowder, except for the Purpose of immediate Removal as before specified, he shall forfeit and pay the Sum of Twenty Shillings for every Pound Weight so illegally kept, over and above the Forfeiture thereof; and if any Person shall be convicted of selling any Quantity of Gunpowder at any other Time than during Daylight, the Person so offending shall for every such Offence forfeit and pay the like Sum of Twenty Shillings, over and beside the Forfeiture of the Powder in his Possession; and the said Commissioners shall make such Orders and Regulations respecting the receiving and depositing of the said Gunpowder as the Nature of the Case shall appear to them to require.

Searching
for Gunpow-
der.

CXIII. And be it enacted, That it shall be lawful to the said Superintendent of Police, or in his Absence the acting chief Officer at the Time, to enter and search for Gunpowder in the Premises of any Dealer or suspected Dealer in that Article, or other Person, on obtaining a Warrant to that Effect from any of the Magistrates of *Perth*, which Warrant any One of such Magistrates shall and is hereby required to grant on reasonable Cause shown.

Gunpowder
to be kept
separate
from other
Goods.

CXIV. And be it enacted, That the aforesaid Canisters containing the aforesaid Quantity of Ten Pounds Weight of Gunpowder allowed to be kept within Houses, Shops, or Warehouses shall be deposited in a Place of easy Access, separate from all other Goods and Commodities, and shall be secured under Lock and Key, under a Penalty not exceeding Five Pounds to be paid for each Offence by the Occupier of such House, Shop, or Warehouse.

Ascertain-
ment of
Gunpowder
imported.

CXV. And in order to enable the said Commissioners more effectually to prevent the keeping of Gunpowder within the said Bounds of Police elsewhere than in the foresaid Magazine, by ascertaining the Importers of Gunpowder and the Quantity imported from Time to Time, be it enacted, That the Collector of Shore Dues at the Port of *Perth* shall and he is hereby required to furnish to the Superintendent of Police, from Time to Time, a Specification in Writing of the Names of Persons importing Gunpowder at the said Port, and the Quantities imported by them, so far as known to him, and that in the Course of the same Day on which he comes to the Knowledge of such Importation, under a Penalty not exceeding Five Pounds for each Neglect or Failure to furnish such written Specification

cation within the Time before mentioned; and all Carriers and others bringing Gunpowder by Land to any Part of the said Bounds of Police shall, within Two Hours after their Arrival within the same, report in Writing to the Superintendent or other acting chief Officer of Police at the Police Office for the Time, the Names of the Importers of such Gunpowder, and the Quantity imported by them respectively, under a Penalty not exceeding Five Pounds for each Neglect or Failure so to do: Provided always, that in regard to all pecuniary Penalties and Forfeitures under this Act relative to Gunpowder it shall be competent to the Police Court hereby constituted to order and award One Half of the same to be paid to the Informer.

CXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Gunpowder imported for the Use of Her Majesty, Her Heirs and Successors, or of any of Her Majesty's Forces, or to or for the Use of any Militia, Yeomanry, or Volunteer Corps.

No Penalty on Gunpowder for the Use of Her Majesty.

CXVII. And be it enacted, That the Officers of Police, Watchmen, and other Officers of the Law shall apprehend and bring before the Judge officiating in the Police Court under this Act for Examination all Vagrants and common Beggars found within the said Bounds of Police, and if it shall appear that the Persons so apprehended have not acquired a legal Residence within any of the Parishes of *Perth*, they may be ordered to leave the said Bounds; and if any of the said Vagrants or common Beggars shall at any Time after the Expiration of Forty-eight Hours be again found idle or begging within any Part of the said Limits, they may be apprehended and carried before the said Judge, who may adjudge them to be disorderly Persons, and as such may commit them to the Gaol or Bridewell of *Perth* for any Space not exceeding Sixty Days.

Vagrants and common Beggars to be apprehended.

CXVIII. And in order that the Number of Persons who may be a Burden on the said City and Suburbs may not be improperly increased, be it enacted, That Children born of Parents confined by Authority of this Act in any Gaol, Bridewell, or Penitentiary within the said Bounds of Police shall not by such their Birth therein alone acquire a legal Settlement within the said Bounds, unless they have in other respects, independent of their being born within such Gaol, Bridewell, or Penitentiary, a legal Right to such Settlement.

The Birth of a Child in Gaol, &c. not to confer a Right of Settlement.

CXIX. And be it enacted, That if any Person or Persons who is or are licensed to sell Ale, Beer, or Spirituous Liquors within any Part of the said Bounds of Police shall permit any Breach of the Peace or riotous or disorderly Conduct within the House, Office, or Premises occupied by him, her, or them for vending such Liquors; or shall knowingly permit or suffer Men or Women of notoriously bad Fame or dissolute Girls or Boys to assemble and meet therein; or shall permit or suffer any unlawful Games therein, whereby the Lieges may be cozened and cheated; or shall suffer any drinking or tippling within the House, Office, or Premises occupied by him, her, or them, during the Hours of Divine Service

Regulations as to Houses licensed to sell Ale, &c.

on

on *Sundays*, or other Days set aside for public Worship by lawful Authority ; or shall knowingly supply any Sort of Spirituous Liquors to any Boy or Girl under Fourteen Years of Age to be consumed within or upon such Premises ; or shall knowingly entertain in such Premises, during his Hours of Duty, any Watchman, Scavenger, or other Person employed under this Act, or furnish any Spirituous Liquors to such Person, or to any Person for his Use, during these Hours ; such Person or Persons, upon being lawfully convicted of any of the above Offences, upon a Complaint before the Judge officiating in the Police Court, shall be liable in a Penalty not exceeding Ten Pounds, to be recovered in like Manner as other Penalties under this Act ; and the said Judge is hereby authorized and empowered to ordain such Person or Persons to find Security for their good Behaviour for such Length of Time not exceeding Twelve Months, and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as shall be judged proper ; and in the event of such Caution not being found within a reasonable Time, to be specified in the Order, it shall be lawful to the said Judge to deprive such Person or Persons of their Licences ; or if such Person or Persons shall suffer Conviction more than once for any of the said Offences, the said Judge shall in like Manner, on the subsequent Conviction, either award the said Fine, and order renewed Security, or deprive such Person or Persons of their Licences, as may be judged proper ; saving and reserving the Rights of all Persons to enforce the due Observance and to prevent the Profanation of the Sabbath Day otherwise according to the Laws and Practice of *Scotland*.

Penalty for
harbouring
Rogues.

CXX. And be it enacted, That if any Person within the said Bounds of Police shall knowingly entertain or harbour any Rogue or Vagabond in any House or Outhouse belonging to him, and shall not give Notice to some Constable or other Officer acting under Authority of this Act, in order that such Persons may be apprehended, every Person so offending, upon being lawfully convicted thereof before the acting Judge of the Police Court hereby constituted, shall forfeit and pay a Sum not exceeding Two Pounds for each Offence.

Keepers of
disorderly
Houses to
report their
Lodgers.

CXXI. And be it further enacted, That in case of Houses being known or suspected to be resorted to by Rogues or Vagabonds or other such Persons, it shall be lawful to and in the Power of the acting Judge of Police to issue a general Order to the Keepers of such Houses to report each and every Day at the Police Office, and at any Hour, and to any Person appointed, every Person who has resorted to such Houses during the preceding Night and Day ; and such general Order the Keepers of such Houses shall be bound and are hereby required to obey under a Penalty not exceeding Twenty Shillings for each Failure or Refusal or for any Delay.

Notice to be
given of
Persons ill of
contagious
Diseases.

CXXII. And whereas it has frequently happened that Persons keeping Lodging Houses for the Accommodation of Strangers and others have allowed Persons ill of contagious Fever or other Diseases to remain in their Houses for many Days together, and until they have communicated the Infection to others ; be it therefore enacted,
That

That Intimation being given of any Keeper of such Lodging House within the said Bounds of Police having suffered any Person to remain Six Days in his House confined to Bed by Illness, without making Application either to the City or County of *Perth* Infirmary, or to some Medical Practitioner, in order that the Nature of the Complaint of such Person might be ascertained, it shall and may be lawful for the acting Judge in the Police Court, and he is hereby authorized and empowered, after taking Proof of such Neglect, to amerciate the Offender in any Sum not exceeding Twenty Shillings.

CXXIII. And be it enacted, That the said Commissioners shall and may order and direct the Houses, Buildings, Shops, or Warehouses within the said Bounds of Police, so far as not already numbered, to be numbered with Figures, to be placed or painted on the Doors or in such conspicuous Part thereof as the Proprietors thereof shall prefer, and may likewise order to be painted or otherwise inscribed, where not already painted or otherwise inscribed, on a conspicuous Part of some House or Building at or near the End or Corner of each Street, Square, Row, Lane, Close, Passage, or Place, the Name of such Street, Square, Row, Lane, Close, Passage, or Place, which Numbers and Names shall be renewed as often as may be necessary; and any Persons who shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description shall for every such Offence forfeit and pay a Sum not exceeding Two Pounds: Provided always, that when any of the said Numbers or Names already painted or inscribed, or to be hereafter painted or inscribed, shall be unavoidably defaced, in consequence of the Shop, Door, Wall, or other Place on which the same is marked being painted of new or altered, the Possessors or Proprietors of the said Shop, Door, Wall, or other Place shall and they are hereby required to replace the said original Number or Name, in a Character not being less than Two Inches in Height and of a proportionable Breadth, where it formerly was, or in some other conspicuous Situation on such Shop, Door, Wall, or other Place to be approved of by the said Commissioners, and that within Ten Days after the same has been so defaced, under the like Penalty for each Offence.

Houses, Shops, &c. to be numbered, and Names of Streets to be affixed.

CXXIV. And be it enacted, That it shall and may be lawful to the said Commissioners to make suitable Provision, by Pensions or other Allowances, out of the Sum of Money hereby authorized to be assessed and levied, for any Watchman or other Officer of Police who may at any Time be disabled or wounded in the Execution of his Office, or for the Family of any Watchman or other Officer of Police who may lose his Life in the Execution of his Office; and in case of any Watchman or other Officer of Police being so disabled or wounded as to be unable to perform his Duty or losing his Life as aforesaid, such Watchman or other Officer so disabled or wounded, and the Widow or Children of a Watchman or other Officer losing his Life as aforesaid, in the event of his leaving a Widow or Children, shall receive the ordinary Pay or Wages of such Watchman or other Officer till the next Meeting of Commissioners, when the special

Provision to be made for disabled Watchmen, &c.

[Local.]

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Circumstances

Circumstances of the Case shall be reported to the Meeting, who shall give such Orders respecting the same as to them shall appear proper; and for the Purpose of rewarding the Superintendent, Inspector, and other Persons employed in the Execution of this Act, for extraordinary Trouble, according to their Exertions in important or difficult Cases, and for enabling the Judge in the Police Court to remunerate Persons necessarily employed for occasional Services, it shall and may be lawful for the said Commissioners to order their Treasurer to pay to the Superintendent, Inspector, or other Persons employed as aforesaid such Sum or Sums of Money as to the said Commissioners shall seem proper, and to place at the Disposal of the Judge in the Police Court for the Purposes before mentioned such Sum or Sums of Money as to the said Commissioners shall seem proper, such Sum or Sums not exceeding in the whole Fifty Pounds in any One Year; and the Certificate of the Judge that the Money has been paid to him and applied as aforesaid shall be held and taken to be a sufficient Voucher to all concerned.

Officers and other Persons may be rewarded.

CXXV. And be it enacted, That if any Person shall entice from his Duty any of the Watchmen, Scavengers, or other Persons employed under the Inspector or Superintendent of Police in executing this Act, or shall knowingly and wittingly entertain or permit or suffer to be entertained in his House any such Watchman, Scavenger, or other such Person during his Hours of Duty, or shall furnish or supply any such Watchman, Scavenger, or any Person for his Use, with Spirituous Liquors, during his Hours of Duty, every such Person, upon being convicted of any of these Offences, shall, on the Complaint of the Superintendent or Inspector, forfeit a Sum not exceeding Two Pounds for each Offence: Providing nevertheless, that it shall be in the Power of the acting Judge of Police, if he thinks proper, to award the Half of the Penalty to the Person by whom Information is given.

Penalty for enticing Watchmen, &c. from their Duty.

CXXVI. And be it enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any Board whereon any printed Copies of Rules, Orders, or Bye Laws of the said Commissioners shall be affixed, or the printed Copies so affixed according to the Directions contained in this Act, he shall, upon being convicted thereof, forfeit a Sum not exceeding Five Pounds for each Offence.

Penalty on Persons defacing Boards.

CXXVII. And be it enacted, That the said Commissioners shall be and are hereby authorized to purchase, lease, acquire, and take possession of when so purchased, leased, or acquired, all such Lands, Houses, or other Heritages as they may deem necessary for the Purposes of this Act, and the Rights of all such Property shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office, and such Rights shall be sufficient for vesting the Subjects in the Commissioners under this Act, and all the Moveable Property of every Description to be acquired in the Execution of this Act shall be vested in the said Commissioners.

Heritages may be acquired, and the Rights thereof to be taken in favour of the Clerk.

CXXVIII. And be it enacted, That the Lord Provost and Four Bailies of the City of *Perth*, and the Sheriff of the County of *Perth* or his

Powers of Magistrates

his Substitute usually holding his Courts within the said Bounds of Police, or any One of them, shall be Judges in the Police Court under this Act, and it shall be lawful for them or any One of them to hear and give Judgment in a summary Manner, as herein provided, on all Complaints which may be made under this Act against any Person or Persons accused of Theft, Swindling, unlawful Gambling, Assault, Rioting, breaking the Peace, or any other such criminal, riotous, or disorderly Act, or any Offence whatsoever cognizable at Common Law by any of the inferior Judges of *Scotland* without a Jury, or of offending against any of the Provisions of this Act, or any of the Regulations established or which may be established by the Authority of this Act; and such Person or Persons shall be Clerk or Clerks of the said Court as the Lord Provost and Magistrates of *Perth* shall from Time to Time appoint.

and Sheriff
in Matters of
Police;

CXXIX. And be it enacted, That the Police Court hereby constituted shall have Jurisdiction in all Cases of Nuisance arising within the said Bounds of Police, except where Questions of Heritable Right are involved, and shall have Power to order the Removal or Abatement of such Nuisance, and to inflict Fines on the Offenders not exceeding Five Pounds for each Offence, besides the Expence of Conviction.

in Cases of
Nuisance.

CXXX. And be it enacted, That upon the Apprehension by the Officers of Police of any Person charged with Offences under this Act of aailable Nature it shall be lawful to the Superintendent of Police, or the superior Officer of Police upon Duty at the Time, and he is hereby empowered, in the Absence of a Magistrate, to accept of sufficient Bail by Bond or Pledge, and to liberate the Person so apprehended under such Circumstances, upon Bail being found, it being expressly declared that the Refusal on the Part of the said Superintendent or the superior Officer on Duty to accept such Bail, and his detaining the Person so apprehended until recourse can be had to a Magistrate in the usual Form, shall not subject the said Superintendent or other superior Officer to any Claim for Damages whatever: But provided always, that a Book shall be kept in the Police Office by the Superintendent, wherein he, or the superior Officer on Duty at the Time, shall forthwith enter all Tenders of Bail made and refused, with the Reasons of Refusal.

Superin-
tendent or
other supe-
rior Officers
in certain
Cases may
accept Bail.

CXXXI. And be it enacted, That all Persons taken into Custody by the Officers of Police, and who shall be detained in Custody, shall be taken before the acting Judge of Police in the Course of the first lawful Day after they shall be so taken into Custody, to be disposed of as the said Judge shall direct, according to the Form of Proceeding under this Act.

Persons in
Custody to
be taken
before a
Magistrate.

CXXXII. And be it enacted, That it shall be lawful to the said Judge acting in the Police Court to order Prisoners to be detained in the Police Office or in the Gaol when remanded for affording Time to find Caution or till further Investigation, such Investigation always taking place as soon as Circumstances shall permit, and without any unnecessary Delay.

Prisoners
may be re-
manded to
find Caution,
&c.

CXXXIII. And

For recover-
ing on for-
feited
Bonds, &c.

CXXXIII. And be it enacted, That when any Person shall have been apprehended, and afterwards liberated on Bail, and shall fail to appear, it shall be competent, where such Bail has been by Pledge, to declare the Money or Article pledged to be forfeited; and in Cases where the Bail has been by Bond of Caution, and also in Cases where any Offender who shall have found Caution for good Behaviour or for keeping the Peace shall commit a new Offence or Offences inferring Forfeiture of the said Caution, it shall be competent to order the Cautioners to be cited to make Payment of the Sum contained in the Bond of Caution within the Space of Twenty-four Hours; and in default of instant Payment after the Lapse of the said Space the Sum in such Bond of Caution shall thereupon be recoverable at the Instance of the Procurator Fiscal, or the Superintendent or Inspector of Police respectively, by a Precept to be issued by the acting Judge of the said Police Court upon a Charge of Ten Days; and upon Failure of Payment it shall be competent to grant Warrant for entering the House, Shop, Warehouse, Manufactory, or other Place of the Defaulters, and seizing, taking possession of, and carrying away, and afterwards selling, the Defaulter's Goods and Effects, or so much thereof as may appear sufficient for the Payment of the Sum or Sums so forfeited as aforesaid, and the Expences of such seizing and other Proceedings and Sale, all in like Manner as herein provided for the Recovery of Arrears of the Assessments under this Act; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects attachable within the Limits to which this Act extends, the Cautioner may be imprisoned by Warrant of the said acting Judge of the Police Court in the Gaol of *Perth* for a Space not exceeding Thirty Days, and after the said Imprisonment no farther Procedure against the said Cautioner shall be competent on the Bond.

Book of
Pledges to
be kept.

CXXXIV. And be it enacted, That all Articles pledged by any Person apprehended and liberated on Bail which may be forfeited as aforesaid may afterwards be redeemed within such Time and on such Terms as the acting Judge in the Police Court may determine, and if not redeemed shall afterwards be sold or otherwise disposed of in such Manner as the said Judge shall direct; and a Book shall be kept in the Police Office, wherein all such Pledges shall be entered, and the Orders regarding such Pledges, the Time and Manner in which they have been disposed of, and the Proceeds of Pledges which have been sold, shall distinctly appear, and such Book shall at all Times be patent to every Commissioner under this Act.

Summary
Form of Pro-
cess to be
established.

CXXXV. And whereas it is expedient, that in all Cases arising under this Act the Proceedings shall be attended with as little Delay or Expence as possible; be it enacted, That the said Lord Provost and Magistrates of *Perth* and the Sheriff of the County of *Perth* (or his Substitute) shall be and they are hereby authorized and required to adapt the Forms of the said Court of Police accordingly so as to dispatch the Business under this Act in the easiest and most expeditious Manner, without written Pleadings, and without recording the Evidence, and to fix and regulate the Expences of

of such Proceedings, and until altered by them the Regulations already in force under the said recited Acts shall continue to regulate the Forms of the said Court: Provided always, that a Record shall be preserved of the Charge, and of the Judgment or Sentence pronounced, and the Record shall also, if the Prosecutor or Prisoner require it, include a Statement of any Offer of Proof made on the Part of any Prosecutor or Prisoner, and refused to be admitted by the Judge, with the Deliverance of the Judge thereon, and also, if required as aforesaid, of any legal Objection to any of the Witnesses adduced on either Side stated on the Part of the Prosecutor or Prisoner, and sustained or overruled by the Judge, with the Deliverance of the Judge thereon; and in all Cases a Copy of the Charge and Judgment, certified by the Clerk of Court or his Substitute, whom he is hereby authorized to appoint, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution, and shall also be held, deemed, and taken in any Court of Law to be sufficient Evidence of the Conviction of the Person to whom it applies of the Crime or Offence specified in such Charge and Judgment.

CXXXVI. Provided always, and be it further enacted, That it shall not be competent, in any Appeal from the Sentences or Judgments of the said Police Court to the Circuit Court of Justiciary, in manner herein-after mentioned, to prove by Witnesses that an Offer of Proof was made on the Part of the Prosecutor or Prisoner, and refused to be admitted by the Judge, or that a legal Objection was stated to Witnesses adduced on either Side, and sustained or overruled by the Judge, unless it be in the first place proved by such Witnesses that the Prosecutor or Prisoner required such Offer of Proof or legal Objection to Witnesses to be entered on the Record, and that the Judge refused to allow such Entry to be made; and if it shall appear that the said Judge committed Error in regard to such Offer or Proof or Objection, the said Circuit Court shall dispose of the Judgment complained of according to Law.

Witnesses incompetent to prove Offer of Proof, or Statement of Objection, unless refused to be recorded.

CXXXVII. And be it enacted, That it shall be competent to the acting Judge of the Police Court under such summary Form of Procedure, and where no special Penalty is attached to the Offence, to adjudge Penalties not exceeding Five Pounds, or to sentence the Party complained of to Imprisonment in the Gaol or Bridewell of *Perth* for any Period not exceeding Sixty Days, and also to sentence such Person to hard or continued Labour, or to solitary Confinement, in such Gaol or Bridewell, during the Time of his Imprisonment or any Part thereof, and also to sentence such Person to be fed during the Term of his or her Imprisonment or any Part of it on Bread and Water exclusively, or on any other wholesome Food exclusively, which shall be specified in such Sentence.

Powers of Judges of Police, where no special Penalty under this Act.

CXXXVIII. And be it enacted, That upon Imprisonment under this Act of any Offenders in the Gaol or Bridewell such Offenders shall be subject to such Regulations in respect of Labour and Maintenance as shall be established in such Gaol or Bridewell under the Authority

Regulations for Prisoners.

[Local.]

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of

of Law, unless the Sentence shall contain some special Order relative to the Labour or Maintenance of such Offenders.

Damages may be awarded to the private Party.

CXXXIX. And be it enacted, That it shall be competent to the said acting Judge of Police under such summary Proceeding to be established as aforesaid to decern for Damages not exceeding Five Pounds; and in case it shall appear that the Loss sustained by the private Party exceeds the Sum hereby authorized to be given in Name of Damages, the said Judge shall and may give Judgment for Damages to the Amount hereby authorized, and, notwithstanding such Decree, it shall be lawful to the private Party to insist before any Judge to whose Jurisdiction the Offender is amenable for any farther Claim which may be competent, whether the Sentence of the Judge acting in the Police Court contain a Reservation to that Effect or not.

Offenders may be ordained to find Caution.

CXL. And be it enacted, That it shall be competent for the said acting Judge of Police, at his Discretion, in lieu and in place of or in addition to any Punishment as aforesaid, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Calendar Months, and under a Penalty not exceeding Twenty Pounds, and to sentence such Offender to Imprisonment until such Caution be found, or until liberated in manner after mentioned, but such Imprisonment shall be subject to the Limitation after mentioned; and no Person shall in any Case be detained in Prison under One Conviction for a longer Period than Ninety Days.

Warrants may be executed on the River Tay, and Offences there committed punished in Police Court.

CXLI. And be it enacted, That for the more effectual Execution of the Purposes of this Act it shall be lawful to execute the Warrants to be granted under this Act upon any Part of the River *Tay* within the Parliamentary Boundaries of the City of *Perth*; and it shall be lawful to and competent for the Police Court hereby constituted to try and give Judgment in regard to all Offences of the Kinds before specified committed upon any Part of the River *Tay* situate within the said Parliamentary Boundaries.

Magistrates of Burghs and Counties to grant their Concurrence to the Execution of the Warrants of Judges of Police.

CXLII. And be it enacted, That it shall be lawful for all Magistrates of Burghs, Sheriffs of Counties, and Justices of the Peace to grant their Concurrence, when they think proper, to the Execution within the Bounds to which their respective Authorities extend of all Warrants by the Judge of the Police Court constituted under this Act, for searching for Articles stolen or supposed to be stolen, for searching for or apprehending Offenders, for citing Witnesses, or for any other lawful Purpose, and on such Concurrence being granted it shall be lawful for the Officers employed under this Act, and all other Officers of the Law, to put such Warrant in execution within the Burgh, County, or Place subject to the Authority of such concurring Magistrates.

Fines and Damages to whom to be paid.

CXLIII. And be it enacted, That all Forfeitures, Penalties, Fines, and Sentences whatsoever, not otherwise herein directed to be sued for, imposed, recovered, and awarded, shall be imposed, recovered, and awarded

awarded in the Police Court in virtue of this Act, at the Instance of the Procurator Fiscal of the City of *Perth*, or Superintendent of Police, and when recovered shall be paid to the Treasurer of the said Commissioners, or such other Person as may be appointed by them to receive the same, and shall be accounted for by him once every Month, and be disposed of as herein mentioned, and the Damages shall be paid to the Person or Persons by whom the Loss has been sustained.

CXLIV. And be it enacted, That in case any pecuniary Penalty, Fine, or Forfeiture decerned for by virtue of this Act shall not be immediately paid or consigned in manner herein provided, it shall and may be lawful to adjudge the Person or Persons found liable for the same to be imprisoned in the Gaol or Bridewell of *Perth* till liberated in manner after mentioned.

On Non-payment of Penalties, Offenders may be imprisoned.

CXLV. And be it enacted, That in case any Person sentenced to pay a pecuniary Fine, Penalty, or Forfeiture, or to find Caution, under the Authority of this Act, shall be imprisoned for Nonpayment or Nonconsignment of such Fine or Forfeiture, or for Want of such Caution, no such Imprisonment shall in any such Case exceed the Period of Sixty Days, or any shorter Period which may be specified in the Sentence, and in no Case shall any Person be detained in Prison under one Conviction for a longer Period than Ninety Days, and on the Expiration of the Period of Imprisonment such Person shall be set at liberty, and shall be free from the Payment of any such pecuniary Fine, Penalty, or Forfeiture, and from the Sentence ordering him to find Caution, and all Charges attending the same.

Extent of Imprisonment.

CXLVI. And be it enacted, That the whole of the pecuniary Penalties, Forfeitures, and Fines imposed or incurred in the Police Court under the Authority of this Act, not otherwise directed by this Act to be applied, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful to the said Commissioners and they are hereby authorized to pay over and apply to the City and County of *Perth* Infirmary such Part of the said Penalties, Forfeitures, and Fines, not exceeding Twenty Pounds in any One Year, as they may from Time to Time direct.

Application of Penalties.

CXLVII. And be it enacted, That where the Judge acting in the Police Court shall think the Case of any Offender deserving of a higher Punishment or Fine than is authorized by this Act, or think that it requires more deliberate Investigation than can be suitably made under the summary Form hereby provided, he shall and may commit such Offender to the Gaol of *Perth* for Examination or further Examination, or till further Investigation, or till liberated in due Course of Law; and the Superintendent shall give immediate Notice of such Commitment to the Procurator Fiscal for the County of *Perth*, in order that such Person may be farther proceeded against conformably to Law.

Procedure where a high Degree of Punishment is merited.

CXLVIII. Provided always, and be it enacted, That if it shall appear, either in the preliminary Investigation of the Charges against any

What Crimes not competent to be

taken Cogni-
zance of in
Police Court.

any Person accused of having committed Crimes, Delinquencies, or Offences within the Bounds over which this Act or any Part thereof extends, or during his Trial in the Police Court, that such Person or Persons have been guilty of or are charged with any of the Crimes denominated the Pleas of the Crown, *videlicet*, Murder, Robbery, Rape, and wilful Fire-raising, or with the Crime of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening Lockfast Places, or of Theft aggravated by being habit and repute a common Thief, or of having been Three Times previously convicted of Theft or of Reset of Theft to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Three Times previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Three Times previously convicted of any Offence of that Nature, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Three previous Convictions of that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Bankers Notes, it shall not be competent for the Procurator Fiscal of *Perth*, or for the said Superintendent or those acting under him, to insist in a Prosecution against such Person or Persons before the said Police Court, but the Judge officiating in the said Police Court shall and he is hereby authorized and required to commit the Person or Persons accused to the Gaol of *Perth* for Examination, and the said Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County of *Perth*, in order that such Person or Persons may be proceeded against conformably to Law.

Superin-
tendent to
give Notice
of Deten-
tion to Pro-
curator
Fiscal.

Persons
found guilty
of petty
Offences
may be con-
fined in the
Police
Office.

CXLIX. And be it further enacted, That in all Cases of petty Offences which shall appear to the Judge officiating in the Police Court not to require Punishment by Commitment to the Gaol, it shall be in the Power of the said Judge to sentence the Party having committed any such petty Offence to be confined in the Police Office for any Period not exceeding Three Days, either as the sole Punishment to be inflicted, or along with Caution to keep the Peace or for good Behaviour, or in addition to any Fine that may otherwise be competently awarded under this Act: Provided always, that in the event of the said Caution not being found or the said Fine not being paid within the said Period it shall not be lawful to retain such Prisoner in the Police Office longer than that Period, but it shall be lawful for the Judge officiating in the Police Court to order the said Party to be confined in the Gaol for any further Period not exceeding Ten Days.

In Cases of
Theft the
Complaint
and Convic-

CL. And be it further enacted, That in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition which shall be tried in the said Police Court, the Complaint and the Con-
viction

viction following thereon shall bear that the Sum of Money or the Value of the Articles stolen, resetted, or obtained by Falsehood, Fraud, and wilful Imposition did not exceed Ten Pounds, and it shall not be competent thereafter to the Person accused, except where an Offer shall be made at the Time, to prove that the Articles stolen, resetted, or obtained as aforesaid exceeded in Value the Sum of Ten Pounds.

tion shall state that the Value of Articles stolen did not exceed 10*l*.

CLI. And be it enacted, That in all Cases it shall be lawful for the acting Judge of Police, or for the said Sheriff or Sheriff Substitute or Dean of Guild, in their own proper Courts, in all Cases arising under this Act, to decree for the Expences of Process, and in case any Person prosecuted at the Instance of a private Party for any Offence under this Act shall be acquitted, it shall and may be lawful to the said Judge of Police, or Sheriff or Sheriff Substitute, or Dean of Guild, before whom the Complaint shall be brought, if he shall see Cause, to subject the private Party in the Expences incurred by the Party acquitted.

Expence of Process may be decreed for.

CLII. And be it enacted, That no Appeal shall lie to the Sheriff of the County from Sentences pronounced by his Substitute in the Police Court; and that no Stay of Execution of the Sentences pronounced under this Act, in so far as concerns Penalties, Damages, or Expences, shall be competent to the Effect of preventing Execution otherwise than in manner herein-after provided, nor until Payment or Consignation in the Hands of the Superintendent or Inspector or other Persons who may be appointed to receive the same of the Sums awarded under any of those Heads; and the Person against whom such Sentences shall be pronounced (or who may be found liable in such Expences), if in Custody at the Time, shall be kept in Custody, and if not kept in Custody at the Time shall immediately be taken into Custody, and so kept till the Money be paid or consigned; and if the same be not paid or consigned within Twenty-four Hours from the Date of such Sentence in so far as concerns Damages and Expences, and immediately in so far as concerns Fines and Penalties, such Person shall be committed to the Gaol or Bridewell of *Perth* till liberated in due Course of Law in so far as concerns Damages and Expences, and till liberated in manner before mentioned in so far as concerns Fines and Penalties; reserving nevertheless to any Persons, having paid or consigned such Penalty, Damages, or Expences, if they shall consider themselves aggrieved by any Sentence or Judgment of the said Police Court, to seek Redress by Appeal to the Circuit Court of Justiciary for the District at the First or Second Circuit following the Date of the Sentence or Judgment appealed from; of which Appeal Notice shall be given to the Clerk of the said Police Court at least Ten Days before such Appeal shall be presented, and the Party appealing shall forthwith after such Notice enter into a Recognizance before One of the Judges of the said Police Court, conditioned in such Penalty as to such Judge shall seem right, to try such Appeal, and to abide the Decision or Judgment of the said Circuit Court of Justiciary thereon, and to pay such Costs as shall be awarded; and such Circuit Court of Justiciary shall in a summary Way hear and determine the Matter of such Appeal, and award

Appeal.

[*Local.*]

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such

such Costs to the Party aggrieved as to the said Court shall seem proper; and the Decision or Judgment of such Circuit Court shall be final and conclusive, without being subject to Review by Advocation, Suspension, Reduction, or otherwise; and in all Cases of Prosecution under this Act at the Instance of the Procurator Fiscal, or Superintendent of Police, or Inspector of Lighting and Cleansing, it shall and may be lawful for the Judge whose Sentence has been brought under Review to authorize the Expences incurred in the Proceedings in the said Circuit Court of Justiciary to be defrayed out of the Assessments herein authorized to be levied: Provided always, that at the first Meeting of the said Commissioners after any such Sentence shall have been brought under Review as aforesaid the said Procurator Fiscal, Superintendent, or Inspector respectively shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the said Commissioners shall thereupon either direct such Sentence brought under Review to be defended, or not, as to them shall seem proper, and if they shall direct such Sentence not to be defended, then no Expences incurred in such Action by such Superintendent or Inspector subsequently to such Meeting shall be defrayed out of the Assessments herein authorized to be levied.

Limitation
of Com-
plaints in
Police Court.

CLIII. And be it enacted, That no Complaint shall be received or entertained in the said Police Court at the Instance of any Party, unless the same be presented within Six Calendar Months after the Offence complained of shall have been committed.

Commission-
ers or Rate-
payers or
Officers not
incompetent.

CLIV. And be it enacted, That no Person shall be deemed an incompetent Witness to give Evidence in any Case under this Act by reason only of such Person being a Commissioner, or of his being liable to be assessed, or of his being employed in any Office under this Act.

Meaning of
Words in
this Act.

CLV. And be it enacted, That the word "Gaol" or "Bridewell" in this Act shall be held to include the Word "Penitentiary" as well as every other legalized Prison or Place of Confinement for Prisoners within the Limits to which this Act or any Part thereof extends; and the Word "Royalty" shall for the Purposes of this Act be held to include all Lands, Houses, and other Hereditaments within the said Limits which are either holden Burgage or are surrounded by Subjects held on the like Tenure; and the Words "Bounds of Police" shall be held to mean and include all and every Part of the Territory comprehended within the Limits herein-before specially set forth and described; and where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to one Person or Thing as well as several Persons and Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

CLVI. And

CLVI. And be it enacted, That nothing herein contained shall be held, taken, or construed to supersede, limit, abridge, or in any way interfere with the Jurisdiction, Authority, and Powers competent by Law before the passing of this Act to the Lord Provost and Magistrates of *Perth* or to the Town Council of the said City.

Jurisdiction, &c. of the Magistrates saved.

CLVII. And be it enacted, That an Act passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Burghs in Scotland to establish a general System of Police*, shall not extend to or affect in any manner of way the Provisions or Operations of the present Act, any thing in the said recited Act to the contrary notwithstanding: Provided always, that in case any Public General Act shall hereafter be passed for the Establishment of a general or uniform System of Police in *Scotland*, containing Regulations or Provisions at variance with any of the Regulations or Provisions relative to Police in this Act contained, such last-mentioned Regulations, so far as they are inconsistent with the Regulations of any such General Act, shall cease and determine at the End of Six Months from and after the passing of any such Public General Act.

The Act 3 & 4 W. 4. c. 46.

not to extend to this Act.

Provisions of this Act as to Police to cease if inconsistent with any General Police Act hereafter to be passed.

CLVIII. And be it enacted, That the Expences incurred in preparing, applying for, and obtaining this Act shall be defrayed from the first and readiest of the Funds to be raised, levied, or borrowed by the said Commissioners for the general Purposes of this Act, in conformity with the Powers herein-before contained.

Expences of this Act.

CLIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

CLX. And be it enacted, That this Act shall commence on the Seventh lawful Day after the passing thereof, and shall thereafter continue in force till the same be repealed by the Authority of Parliament.

Commencement and Duration of Act.

