



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. cix.

An Act for the better paving, lighting, watching, and cleansing the Burgh of *Dundee*, and for maintaining and regulating the Police of the same and Places adjacent, and other Purposes relating thereto. [12th July 1837.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty *George the Fourth*, intituled *An Act for the better paving, lighting, watching, and cleansing the Burgh of Dundee, and for building and maintaining a Bridewell there*: And whereas the Powers, Regulations, and Provisions contained in the said Act have been attended, in many respects, with beneficial Results, although in others they are defective, or require Alteration and Amendment; on which Account, and because the said Act will soon expire, it is expedient to re-enact many of the Enactments and Provisions in the said Act, with Alterations and Amendments, and to make additional Enactments: 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and after the Seventh lawful Day after the passing of this Act the said recited Act shall be and the same is hereby repealed.

5G.4. c.129.

Repeal of recited Act.

II. And be it further enacted, That in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word Person shall extend and be applied to a Body [Local.] 46 D Politic, Interpretation Clause.

Politic, Corporate, or Collegiate, as well as an Individual, and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall extend and be applied to One Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Property vested in the Commissioners for this Act.

III. And be it enacted, That all the Estate and Effects acquired by the General Commissioners acting under the Authority of the said recited Act, 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 Commissioners, and all the Rates, Assessments, and Monies made and levied under the Authority of the said recited Act, and all the Arrears of the same, shall be and the same are hereby vested in and shall be paid and payable to the General Commissioners appointed by or to be appointed under the Authority of this Act; and all the Records of the Proceedings of the General Commissioners or Police Court under the said recited Act, and of all other Proceedings whatsoever under the said Act, shall continue as probative as if the said Act had not been repealed; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements made and entered into by the said Commissioners under the said recited Act, to or with any Person, according to the Provisions and Conditions of the said Act, 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 Commissioners, and all Debts owing to them, according to the Provisions and Directions of the said Act, 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 Commissioners under the said Act, and the Penalties for Contravention thereof, shall continue in full Force and Effect until altered or rescinded; and all Judgments and Proceedings in the Police Court constituted by the said recited Act 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 Act shall remain entire and unaffected by the passing of the present Act, as if the said Act had not been repealed.

Commissioners to have the same Powers as were given to Commissioners of Police by Newtyle Railway and Dundee Harbour Acts.

IV. And whereas by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act for making a Railway from Dundee to Newtyle*, and also by an Act passed in the Sixth Year of the Reign of His said late Majesty *George* the Fourth, intituled *An Act for opening certain Streets in the Burgh of Dundee, and otherwise improving the said Burgh*, certain Powers and Duties are committed to the Commissioners under the said first-recited Act passed in the Fifth Year of the Reign of His late Majesty *George* the Fourth, before repealed; be it enacted, That the Commissioners

missioners under this present Act shall have and possess the same Powers and Duties as were committed to the Commissioners under the last-mentioned Act by the said other Acts, or any other Act or Acts, and shall in all respects come in the Room and Place of the Commissioners under the Act repealed as aforesaid, subject to the Provisions in this present Act contained.

V. 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 extend over the Limits of the Burgh of *Dundee* and the whole Grounds and Houses locally situated and comprehended within the same, as described in an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for extending the Royalty of the Burgh of Dundee, and for amending the Sett or Municipal Constitution of the said Burgh*; *videlicet*, within a Line commencing on the East at the River *Tay* and running Northwards in the Line of the East March of *Mayfield* on the Lands of *Craigie* to the Southern Extremity of that March; thence along that March to the Turnpike Road leading from *Dundee* to *Arbroath*; thence Eastward along that Turnpike Road until its Junction with the old *Craigie* Road; Northwards along that Road to the *Stobsmuir* Turnpike Road; across that Road, and from it along the old Road by the Back of *Stobsmuir* and *Cleppington* till it reaches the East Road to the *Fair Muir*; around the March of the *Fair Muir*, so as to include it, until it joins the *Strathmartine* Turnpike Road; Southwards along the *Strathmartine* Turnpike Road until its Junction with the Road which leads by the Back of the Law of *Dundee* from the *Strathmartine* Turnpike Road to the *Coupar* and *Meigle* Turnpike Road; along the Northern Boundary of that Road to the old *Lochee* Toll Bar on the Turnpike Road from *Dundee* to *Coupar* and *Meigle*; from that Toll Bar Westward along the Road until it reaches the Stone Wall which runs on the West Side of the Houses and Garden Ground known by the Name of *Lark* or *Lerrick Hall*; across from the Turnpike Road to the March between the Estate of *Logie* and the Estate of *Balgay*; from the Turnpike Road Southwards along that Stone Wall to the said March; thence along the March Southwards to the Extremity of *Logie*; thence Southwards to the *Blackness* Road, along the Dike and Hedge which form the present Boundary between *Blackness* and *Balgay*; thence along the Northern Boundary of the *Blackness* Road Westwards to the Line of the March which is on the South Side of that Road between *Blackness* and *Balgay*; and Southwards along that March down to the River *Tay*, and the Districts comprehending the Villages of *Lochee* and *Broughty Ferry*, and circumjacent Territory, as after described, shall also be included under this Act to the Effect and Extent after specified.

Bounds to which this Act extends.

1 & 2 W. 4. c. 46.

VI. And be it enacted, That for the more effectual Execution of the Powers hereby granted the Places within the said Burgh herein-before described shall be divided into the following Districts or Wards; *videlicet*,

Burgh divided into Wards.

Ward First to be bounded on the North by *King Street* and the Turnpike Road leading from *Dundee* to *Arbroath*, on the East by the Eastern Boundary before described of the said Burgh, on the South

South by the River *Tay*, on the West by *Saint Andrew's Street* and the *Trade's Lane*, and to comprehend the whole Space within these Bounds :

Ward Second to be bounded on the North by the *Cowgate* and *Murraygate* Streets as far West as to include the Trade's Hall, on the West by *High Street* and *Castle Street*, and the West Quay of the Wet Dock, on the South by the River, and on the East by *Saint Andrew's Street* and *Trade's Lane*, and to comprehend the whole Space within these Bounds :

Ward Third to be bounded on the North by the *High Street* and *Nethergate Street* (exclusive of the *English Chapel*) as far West as the Lane known by the Name of the *Slate* or *Sea Wynd*, on the West by the said *Slate* or *Sea Wynd*, on the South by the River, and on the East by *Castle Street* and the West Quay of the Wet Dock, and to comprehend the whole Space within these Bounds :

Ward Fourth to be bounded on the North by the *Nethergate Street* West from the *Slate* or *Sea Wynd*, and by the Turnpike Road leading from *Dundee* to *Perth*, on the West by the Western Boundary before described of the said Burgh, on the South by the River, and on the East by the *Slate* or *Sea Wynd*, and to comprehend the whole Space within these Bounds :

Ward Fifth to be bounded on the South by the Turnpike Road leading from *Dundee* to *Perth*, on the East by *Small's Wynd*, by a Line from the Top or North End of *Small's Wynd* along the *Hawkhill* Road to the Top or South End of the Passage known by the Name of *Anderson's Close* or the *Little Close*, leading from the *Hawkhill* Road to the *Blackness* Road, and by the said Passage to the *Blackness* Road, on the North by the *Blackness* Road Westwards to the Boundary before described of the Limits of the said Burgh, and on the West by the said Boundary of the Burgh, and to comprehend the whole Space within these Bounds :

Ward Sixth to be bounded on the East by *Barrack Street*, *Barrack Road*, and *Constitution Brae*, and thence by the Road leading along the West Side of *Stirling's Park* and the East Side of the Law until it reaches the North Boundary before described of the Limits of the said Burgh, on the South by the *Overgate Street* from *Barrack Street* Westwards by the Street or Road leading from the West End of the *Overgate*, along by the *Westport* and *Witchknow*, to the *Blackness* Road, and thence by the *Blackness* Road, and on the North and West by the Bounds before described of the Limits of the said Burgh, and to comprehend the whole Space within these Bounds :

Ward Seventh to be bounded on the West by the *Barrack Road* from the Road or Street along the North Side of the Meadows known by the Name of *Bell's Street*, Northwards by the *Constitution Brae*, and thence by the Road leading along the West Side of *Stirling's Park* and the East Side of the Law until it reaches the North Boundary before described of the Limits of the said Burgh, on the South and East by *Bell's Street*, by the Close or Passage leading from the East End of *Bell's Street* Northward, by the West Side of the Tannage Yard, from the North End of that Passage by the Road or Passage leading on the South Side of the *Ladywell* to the Foot of the *Hilltown*, thence by the *Bucklemaker Wynd*, the Road by the *Dens*, and the new Road to *Cleington*, and thence by the old Road between

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tween *Easter* and *Wester Clepington* to the Northern Boundary before described of the Limits of the said Burgh, and to comprehend the whole Space within these Bounds :

Ward Eighth to be bounded on the West and North by the *Wellgate Street*, from the Top of the *Wellgate Street* by the *Bucklemaker Wynd* and *Clepington Roads* to the Northern Boundary of the Limits of the said Burgh, on the South by Part of the *Cowgate Street*, from the Foot of the *Wellgate* to *King Street*, and by *King Street* and the Turnpike Road leading from *Dundee* to *Arbroath*, and on the East and North by the Boundary before described of the Limits of the said Burgh, and to comprehend the whole Space within these Bounds :

Ward Ninth to be bounded on the West by *Barrack Street* and the *Barrack Road* up to the West End of *Bell's Street*, on the North-east and South by *Bell's Street*, the before-mentioned Passage leading from the East End of *Bell's Street* Northward, by the West End of the Tannage Yard, from the North End of that Passage, by the Road or Passage leading on the South Side of the *Lady Well*, to the Top of the *Wellgate*, and by the *Wellgate*, *Murraygate*, *High Street*, and *Overgate*, to the Foot of *Barrack Street*, and to comprehend the whole Space within these Bounds :

Ward Tenth to be bounded on the West by *Small's Wynd* and the before-mentioned Passage known by the Name of *Anderson's Close* or the *Little Close*, on the South by the *Nethergate Street* from the Foot or South End of *Small's Wynd* to the Foot or South End of the *Long Wynd*, on the East by the *Long Wynd*, and on the North by the *Overgate Street*, from the Top or North End of the *Long Wynd* Westwards, and by the before-mentioned Street or Road (Part of the Boundary of Ward Sixth) leading from the West End of the *Overgate*, along by the *West Port* and *Witchknow*, to the *Blackness Road*, and thence to the Northern Extremity of the West Boundary by the *Blackness Road*, and to comprehend the whole Space within these Bounds :

And Ward Eleventh to be bounded on the West by the *Long Wynd*, on the North by the *Overgate* from the Top or North End of the *Long Wynd* Eastward to the *High Street*, on the East by the *High Street*, and on the South by the *Nethergate*, including what was formerly an *English Chapel*, and to comprehend the whole Space within these Bounds.

VII. And be it enacted, That the Boundaries of the Wards shall run along the Centre of the Streets, Roads, Lanes, and Closes by which they are declared to be bounded, except where the contrary is particularly mentioned ; and as to the Streets, Grounds, Houses, and Places within the Bounds of the said Burgh not embraced in the special Description of any of the several Wards before mentioned, the same shall be held as belonging to that Ward to which such Streets, Grounds, Houses, and Places are severally next adjacent ; and in case of any Dispute the same shall be decided at a Meeting of the General Commissioners for executing this Act, whose Determination shall be final.

Boundaries to run along the Centre of the Streets.

VIII. And be it enacted, That it shall and may be lawful to the said General Commissioners, at any of the stated Meetings to be held in
[Local.]

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manner

General Commissioners may

alter the
Wards.

manner herein provided, to alter the 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 General 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.

Exemptions
may be
granted.

IX. And be it enacted, That in order that those Wards or Parts of Wards, if there be any such within the Bounds of the said Burgh, which the General Commissioners under this Act may not find it expedient to pave or to watch, or to light or to cleanse, may not be assessed under this Act for those Purposes, it shall be lawful to the said General 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 Assessment to be made for the general Purposes of this Act for the Year, or at any other Meeting to be called and held for the special Purpose, to exclude for such Year any Places, Grounds, and Houses within the Limits of the said Burgh from all or any of the Regulations herein-after established or authorized in regard to paving or 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 General Commissioners; and declaring also, that although such Places, Grounds, or Houses shall be excluded from any of the Regulations as to paving, lighting, cleansing, or watching, or any of them, and exempted from the corresponding Assessment, yet they shall continue subject to all other the Regulations which are hereby established, or which may be established under the Powers herein contained in other respects; and that all Premises the nearest Entry to which is not more than One hundred and twenty Yards from the extreme Limit to which the Regulations as to paving, lighting, watching, and cleansing respectively shall be extended shall be held as sharing in the Benefits of these Departments of Police respectively, and shall be liable in One Half of the corresponding Assessment; but provided always, that in regard to the Districts of *Lochee* and *Broughty Ferry* respectively the Rate of Assessment shall be equal on all Premises therein liable to be assessed under this Act.

General
Commis-
sioners for
executing
this Act.

X. And be it enacted, That until the First *Wednesday* after the First Election of Commissioners under this Act the Provost, Four Bailies, and Dean of Guild of the Burgh of *Dundee*, and the Convener of the Nine Trades of the said Burgh, and the Sheriff Depute of the County of *Forfar*, and also One of the Substitutes of the said Sheriff Depute, provided such Substitute shall be resident within the Bounds to which this Act extends, all for the Time being, and the Two General Com-
missioners

missioners for each Ward, qualified and elected in Terms of and under the said recited Act, shall be and are hereby appointed and continued General Commissioners for the Purposes of this Act, and thereafter the said General Commissioners shall consist of the Provost, the Four Bailies, and the Dean of Guild of the said Burgh for the Time, and the Sheriff Depute of the said County, and in his Absence One of the Substitutes of the said Sheriff Depute usually holding his Courts within the foresaid Burgh, and Two General Commissioners for each Ward, qualified and elected in manner herein directed.

XI. And be it enacted, That there shall be Two Commissioners for each of the Wards of the said Burgh residing within each Ward, who shall be termed Resident Commissioners of their respective Wards; and the Persons at present in Office as such under the said recited Act shall be and are hereby appointed and continued such for the Purposes of this Act until the First *Wednesday* after the First Election of Commissioners under this Act; and thereafter the said Resident Commissioners shall consist of Two Persons for each Ward, elected in manner herein-after mentioned, qualified by Residence as aforesaid; and such Resident Commissioners, as well as each General Commissioner, shall in virtue of their Election have, exercise, and possess all the Powers which by the Law of *Scotland* belong to the Office of Constable under the Authority of the Magistrates of the said Burgh, and shall be Head Constables within their respective Wards, and shall have a general Superintendence of their respective Wards, and of the Measures necessary for promoting the Peace, Order, and Security of the Inhabitants thereof, and shall attend to the Enforcement of the Regulations of this Act, and the Regulations made under the Authority of the same; and the said Resident Commissioners shall report from Time to Time to the General Commissioners or to their Clerk, or to the Superintendent or Inspector (if there be any such appointed), according to the Nature of the Case, any Neglect or Infringement of the said Regulations.

Resident
Commis-
sioners of
Wards.

XII. And be it enacted, That in case it shall at any Time be found and declared by the General Commissioners under this Act, previous Notice of at least One Month having been given by Intimation at a Meeting, and also by written or printed Notices signed by the Clerk sent through the Post Office to each General Commissioner, of the Intention to move a Resolution to that Effect, to be necessary and expedient in the State of the Population of the said Wards or any of them, or from other Causes, that additional Resident Commissioners should be chosen in and for the said Wards or any of them, it shall be lawful to and in the Power of the said General Commissioners to fix the Number and authorize the Election of such additional Resident Commissioners, Notice being given thereof by public Advertisement in at least One Newspaper published in *Dundee*; and such additional Resident Commissioners shall be qualified; elected, and chosen in manner herein directed as to the Resident Commissioners herein-before directed to be chosen, and shall possess the same Powers and Privileges as the said Resident Commissioners, and hold their Office under the same Regulations and for the same Purposes.

Number of
Resident
Commis-
sioners may
be increased.

XIII. 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 First

Wednesday

Annual
Election of
Commis-

sioners,
General and
Resident.

Wednesday of October One thousand eight hundred and thirty-seven, and shall come into Office on the First *Wednesday* thereafter (and remain in Office till the Second *Wednesday of October* One thousand eight hundred and thirty-eight, when they shall go out of Office), and their Places shall be supplied by Two General and Two Resident Commissioners for each Ward, to be elected on the First *Wednesday of October* One thousand eight hundred and thirty-eight; and on the First *Wednesday of October* annually thereafter there shall be an Election of Two General and Two Resident Commissioners for each Ward, who shall enter upon Office on the next *Wednesday* thereafter, and continue in Office till the Second *Wednesday of October* in the Year following.

Qualifi-
cations of
Electors,
and of Per-
sons who
may be
elected.

XIV. And be it enacted, That the Two General Commissioners and the Two Resident Commissioners for each Ward shall be elected as herein appointed by a Majority of the Votes of the Male Occupiers of Dwelling Houses, Shops, Warehouses, and other Buildings and Places liable to be assessed under this Act within the respective Wards; and that every such General Commissioner shall be elected and chosen out of the Number of Electors within the Ward whose Dwelling Houses, Shops, Warehouses, or other Buildings or other Places liable to be assessed under this Act, occupied by them respectively within the Ward, shall be valued, in manner herein directed, at the aggregate yearly Rent or Value of Ten Pounds Sterling or upwards; and that every such Resident Commissioner for each Ward shall be chosen from among the Electors whose Dwelling Houses within the Ward shall be valued at Five Pounds Sterling or upwards of yearly Rent: Provided always 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, either as General or Resident Commissioners, may be re-elected.

No Person
shall have
more than
One Vote
in any Ward.
Commis-
sioners may
be re-
elected.

Qualification
of Members
of Copart-
nerships to
vote or be
elected.

XV. Provided always, and be it further enacted, That Companies or Copartnerships, possessing Shops, Warehouses, or other Places entitling the Occupier to a Vote in the Election of General or Resident Commissioners, shall for every such Shop, Warehouse, or other Place be entitled to grant Authority in Writing, by their Company, Firm, or otherwise, to any One and no more of the Partners of such Companies or Copartnerships, possessed of no other Qualification within the Ward, to vote at the Election of General or Resident Commissioners for the Ward in which such Shops, Warehouses, or other Places are situated; and any Manager or Acting Partner of a Company or Copartnership possessing any such Shop, Warehouse, or other Place in any Ward valued at Ten Pounds Sterling of yearly Rent or upwards may be elected a General Commissioner for such Ward.

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

XVI. Provided also, and be it further enacted, That no Person shall be eligible as a Commissioner or entitled to vote in the Election of General or Resident Commissioners who shall have been relieved from the Assessment made on him for the Purposes of this Act or the said first-recited Act for the 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 said or any previous Year's Assessment,

ment, 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 sufficient Evidence of such Relief or Arrear.

XVII. And be it enacted, That the Persons entitled to vote in the Election of General and Resident Commissioners under this Act, and also those qualified to be elected General or Resident Commissioners, shall be ascertained and determined according to the Rent Roll or Valuation for the Year current at the Time, to be made up under the Orders of the General Commissioners, as herein provided.

Roll for determining who may vote and be elected.

XVIII. 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 within some convenient Place in such Ward at Ten o'Clock Forenoon, and shall put in Nomination Candidates duly qualified for the respective Offices of General Commissioners and Resident Commissioners for such Ward; and in case only Two Persons duly qualified shall be proposed in any Ward betwixt the Hours of Ten and Eleven o'Clock on such Day for the said Office of General Commissioner, or for the said Office of Resident Commissioner respectively, then such Two Persons shall be held duly elected to such Office of General Commissioner or Resident Commissioner for the Ward, as the Case may be, but no Person shall be held to have been duly put in Nomination unless upon a Motion duly made and seconded; and in case there shall betwixt the said Hours be put in Nomination in any Ward more than Two Persons for the said Office of General Commissioner, or more than Two for the said Office of Resident Commissioner for such Ward, then the qualified Electors within such Ward shall, after electing Three of their Number to be Tellers of the Votes, proceed to elect by Ballot in such Form and Manner and under such Regulations as the General Commissioners for the Time, at any Meeting, special or statutory, shall fix, Two of the Persons so put in Nomination to be General Commissioners for such Ward or to be Resident Commissioners for such Ward, as the Case may be; but it shall not be lawful to vote in such Election after Five o'Clock Afternoon of the Day in which the same shall take place; and the Persons having the Majority of Votes in any Ward as the same shall be declared by the Chairman acting at such Election on the Report of the Tellers of the Votes shall be held as duly elected to the said Office of General Commissioner or the said Office of Resident Commissioner, as the Case may be; and the General Commissioner standing first on the List of Commissioners for each Ward, and in his Absence the other General Commissioner for such Ward, and in the Absence of both of them any qualified Elector within the Ward to be chosen by the Meeting, shall act as Chairman at the Nomination and Election of Commissioners respectively, and shall declare the State of the Votes, or on whom the Election has fallen, before leaving the Place of Meeting, and shall forthwith make out and subscribe a written Report thereof, and transmit the same to the Clerk of the General Commissioners for the Time, who shall within Eight Days thereafter advertise in at least One Newspaper published in *Dundee* at the Time the Names of the Persons elected or having the

Procedure at Elections.

Majority of Votes in each Ward for the Office of General Commissioner and Resident Commissioner respectively.

Day of Election, &c. to be advertised.

XIX. Provided always, and be it enacted, That not less than Six nor more than Fourteen Days before the Time fixed for the Election of Commissioners the Clerk to the General Commissioners under this Act shall cause Intimation to be made by Advertisement in at least One Newspaper published in *Dundee*, and in such other Manner as the Commissioners shall deem proper, of the Days and Places of Election.

Penalty for obstructing Voters, and on unqualified Persons voting.

XX. 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 Sterling for such Offence, *toties quoties*, besides becoming disqualified from holding the Office of General or Resident 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 Sterling 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.

XXI. 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 General Commissioners within Six Days after his being so elected; and failing his doing so the General Commissioners shall declare the Ward for which such Person shall act.

Provision in case of Equality of Votes.

XXII. And be it enacted, That in the event of any Two Persons having an equal Number of Votes for the Office of Commissioner, the General Commissioners for the Time shall determine which of the Candidates shall be preferred, and the Person so preferred shall be held as duly elected in like Manner as if he had the Majority of Votes.

Provision for Vacancies, &c.

XXIII. 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 General or Resident Commissioners of any of the Wards shall become vacant by Refusal to act, or by Death or Resignation, or in any other Way, then and in any such Case it shall be lawful for the said General 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,
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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.

XXIV. 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 General Commissioners and any Company already established or which may be established for lighting the said Town of *Dundee* and the Suburbs thereof with the Light known by the Name of Gas Light, 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.

Commissioners not to hold Places of Profit.

XXV. And be it enacted, That it shall be the Duty of the said General 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 Superintendents or Inspectors of Police, Collectors, Clerks, Surveyors, and other Persons to be employed in the Execution of this Act, and to remove them at pleasure; to fix the Number of Lieutenants, Sergeants, Watchmen, Scavengers, and other inferior Officers to be employed within the said Burgh, and the 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 General and Resident 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 public or private 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 Burgh; and to exact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings Sterling; 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 be published in at least One Newspaper published in the Town of *Dundee* at least Eight Days before being put in force, and printed Copies of the same shall be fixed upon Boards, and hung up in some conspicuous Place in the Police Office, and in the Police Court of *Dundee*; and when they become illegible, fresh Copies of the same shall be fixed up as aforesaid.

Powers and Duties of General Commissioners.

XXVI. Pro-

Former
Officers
continued.

XXVI. Provided always, and be it enacted, That the Superintendent, Clerk, Surveyor, Collector, and all other Officers who have been appointed under and employed in the Execution of the said Act 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.

Notices and
Constitution
of Meetings
of General
Commis-
ioners.

XXVII. And be it enacted, That Notice shall be given to every General Commissioner to attend all Meetings, both special and stated and adjourned, by Letters sent under such Regulations as shall from Time to Time be directed by the said General Commissioners or a Quorum of them, by a Minute engrossed in their Books; and that the Provost of *Dundee* 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 General 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 Eleven of the said General Commissioners must be present at all Meetings to constitute a Quorum: Provided also, that after the Meeting has been constituted and the Chair taken the Person in the Chair shall not be displaced by the subsequent Arrival of the Provost, but shall continue to officiate as Preses; and the Fact of the Minute being signed by any Person as Preses other than the Provost shall of itself be Evidence of his Absence at the Time the Meeting was constituted, and a Certificate by the Clerk that he duly sent Notices to each of the said General Commissioners shall be taken as sufficient legal Proof that the same were so sent.

Stated
Meetings.

XXVIII. And be it enacted, That Stated General Meetings of the said General Commissioners shall be held upon the Second *Wednesday* of every Month from and after the passing of this Act, which Meetings of the said General Commissioners shall be held at Eleven o'Clock Forenoon within the Police Office, or such other Place as the General Commissioners shall from Time to Time appoint.

Special
Meetings
how to be
called.

XXIX. And be it enacted, That the Provost of the said Burgh, or in Absence of the Provost the Clerk to the said General Commissioners, on Requisition being made, stating the Object of the intended Meeting, under the Hands of any Four of the said General Commissioners, shall appoint Special Meetings of the said General Commissioners, to be called within Forty-eight Hours and held within Four Days after such Requisition, the Notices which are given containing a Copy of such Requisition; declaring that it shall be in the Power of the Provost to appoint Special Meetings of the said General Commissioners to be held at such Times and Places within the said Burgh as may to him seem necessary or expedient for the Purposes of this Act, the Notices always stating when such Meetings are called, the Object thereof, and that they are called by Order of the Provost.

Special
Meetings
not to annul

XXX. Provided always, and be it enacted, That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting

Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the stated Meetings hereby appointed to be held. Rules made at stated Meetings.

XXXI. And be it enacted, That the said General Commissioners or a Majority of them present at any of the said Meetings, may adjourn the same to any other Day, Hour, and Place within the Bounds before described ; 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. Meetings may be adjourned.

XXXII. And be it enacted, That the said General 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.

XXXIII. 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.

XXXIV. And be it enacted, That the said General 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 the 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. General Commissioners to sue or be sued in Name of their Clerk.

XXXV. And be it enacted, That the said General Commissioners, at a Meeting to be held as soon after the passing of this Act as may be, and annually thereafter at their Meeting to be held on the Second *Wednesday* of *May*, or at a Meeting to be held for the special Purpose as soon thereafter as may be, 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 Purposes of this Act within the Bounds of the said Burgh for the Year commencing on the Fifteenth Day of *May*, under the general Heads of Paving, Lighting, Cleansing, Watching, and Gaol (declaring that under the Head of Paving shall be included the metalling and macadamizing of Roads or Streets, and all Expences connected with Drains, Common Sewers, and Water Channels) ; and such Estimate shall distinguish and specify the Sums necessary to be levied in such Year under the subordinate Heads of Payment of Interest and Repayment of Principal of Money borrowed, Surveyors, Collectors, and Clerks Salaries, and incidental Expences. Expences to be estimated.

XXXVI. And be it enacted, That the annual Assessments leviabie 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 : Provided Assessments how to be imposed.

[Local.]

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always,

always, that it shall not be lawful to the said General Commissioners assembled at the First Meeting appointed for the Purpose to impose the said Assessment leviable within the Limits of the said Burgh, unless a Majority of the whole General Commissioners shall be present, but if a Majority shall not be present the Commissioners present or a Majority of them shall adjourn to another Day, at the Distance of not less than One Week nor more than Two Weeks, of which adjourned Meeting and the Purpose for which it is to be held special Notice shall be given not less than Four Days before the Day of Meeting; and the General Commissioners assembled at such adjourned Meeting, or a Majority of them, shall be entitled to impose the said Assessment for the Year, providing a Quorum shall be present, but if a Quorum shall not be present at such adjourned Meeting the Commissioners present or a Majority of them may adjourn to another Day, and may continue such Adjournment until a Quorum shall be present, the Notices calling all such adjourned Meetings bearing expressly that the Meeting is for the Purpose of laying on such Assessment.

Assessment
for defraying
Expences.

XXXVII. And be it enacted, That on the Second *Wednesday* of *July*, or as soon thereafter as convenient in each Year, the said General Commissioners (being convened by Notices, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess and are hereby authorized and required to assess (excepting as before and after mentioned) all Occupiers and Possessors of Dwelling Houses, Cellars, Vaults, Shops, Warehouses, Spinning Mills, Breweries, Manufactories, and other Buildings, and all Timber Yards, Coal Yards, and Lime Yards, and all other Places where Goods are or other Property 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 Rates following; that is to say, where the aggregate Amount of the yearly Rent or Value, as the same shall be ascertained in manner herein mentioned, of all the assessable Premises within the said Bounds occupied or possessed by the Person assessed does not amount to Five Pounds Sterling, in any Sum not exceeding the Rate after mentioned upon the Pound of the aggregate yearly Rent or Value as aforesaid, *videlicet*, for the First Year of the Assessment under this Act One Shilling in the Pound, for the Second Year Eleven-pence Halfpenny in the Pound, for the Third Year Eleven-pence in the Pound, for the Fourth Year Ten-pence Halfpenny in the Pound, and for the Fifth and subsequent Years Ten-pence in the Pound; and where the aggregate Amount of the said yearly Rent or Value amounts to Five Pounds Sterling or upwards, in any Sum not exceeding the Rate aftermentioned upon the Pound of the said aggregate yearly Rent or Value as aforesaid, *videlicet*, for the First Year of the Assessment under this Act One Shilling and Three-pence in the Pound, for the Second Year One Shilling and Two-pence Halfpenny in the Pound, for the Third Year One Shilling and Two-pence in the Pound, for the Fourth Year One Shilling and One Penny Halfpenny in the Pound, for the Fifth Year One Shilling and One Penny in the Pound, for the Sixth Year One Shilling and One Halfpenny in the Pound, and for the Seventh and subsequent Years One Shilling in the Pound; and in case the maximum Rate of Assessment be not imposed on either of the Classes of Occupiers or Possessors, neither shall

shall it be imposed on the other Class; and in all Cases the Rates imposed on the several Classes shall be in proportion, and shall be increased or diminished in proportion to the maximum Rates above mentioned; excepting always that within the Districts of *Lochee* and *Broughty Ferry* respectively there shall be only One Rate of Assessment, which in no Case shall exceed Three-pence in the Pound of the aggregate yearly Rent or Value of all the assessable Premises within the same respectively occupied or possessed by the Person assessed.

XXXVIII. And be it enacted, That at or after the Meeting to be held for imposing the said respective Assessments the Amount of the Sums to be assessed under the several Heads of Surveyors, Collectors, and Clerks Salaries, and incidental Expences, shall be divided into such Proportions as to the General Commissioners shall seem proper among the Five Heads of Paving, Lighting, Cleansing, Watching, and Gaol: Provided always, that in the Application of the Sums so to be levied if any Deficiency be found to exist under One of the said Heads it may be supplied from the Excess arising on any of the others.

Sums assessed to be divided.

XXXIX. 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 General 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 Rents 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 Assessment, 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.

Surveyor to be appointed, and Survey made.

XL. And be it enacted, That such Roll of yearly Rents or Values shall be made up in this present Year on or before the First Day of *September*, and thereafter annually on or before the First Day of *August*, 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

Notice of Assessments.

Assessment

Roll to be corrected.

Assessment is made, and also when the Premises are situate within the Bounds of the said Burgh specifying the Rate of the Assessment; and upon some convenient Day to be fixed by themselves, and of which Intimation shall be given in the said printed Notice, the said General 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 to 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 *Dundee* 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 or Assessment, and intending to complain, shall lodge written Appeals or Complaints in the Hands of the Clerk to the 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 in Writing 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, and the Assessment shall be levied according thereto.

Unoccupied Premises becoming occupied during the Year may be assessed.

XLII. 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 General 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 aforesaid at least Seven Days before such Meeting, and such Notice specifying the Day of the Meeting for laying on the Assessment.

Errors in imposing Assessments.

XLII. And be it enacted, That when from Oversight or Errors 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 General 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.

Occupiers or Possessors

XLIII. And be it enacted, That, except where otherwise herein provided, the said Assessment shall be levied from the actual Occupiers or Possessors of

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 His 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.

to pay Assessments.

XLIV. 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 Twenty-one 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, 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 or any Part thereof extends; and in case such Person shall not have any such known Place 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, such Notice being in the Form hereunto annexed (Schedule (A.)), or to a similar Effect, it shall be lawful for the said Collector to apply to any of the Magistrates of the said Burgh, or to the Sheriff Depute of the County or his Substitutes, if the Person deficient in Payment shall live within the Burgh, or the Sheriff Depute of the County or his Substitutes, or to any Two Justices of the Peace for the County, if such Person shall live without the Burgh but within the County of *Forfar*, and to the Sheriff Depute or his Substitute, or to any Two Justices of Peace or other Magistrates, in any other County of the United Kingdom to which such Person has 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 said Magistrates of *Dundee*, Sheriff Depute, or his Substitutes, or the said Justices or other Magistrates, and they are respectively hereby authorized and required to grant such Warrant, upon a Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person

Recovery of Rates

[Local.]

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being

being in arrear to the Amount stated in the Certificate; and if such Rates or Assessments shall not be paid, together with the Costs and Charges incurred in obtaining and presenting 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 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, then the Collector is hereby authorized to sell the said Goods and Effects so seized, by public Roup at the Market Cross of *Dundee*, or such other public Place within the Burgh of *Dundee* as may by the General Commissioners be declared to be a proper Place for such Sales; or in case the Goods and Effects be not found within the Burgh of *Dundee*, 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 true Proceeds of such Sale; which Book shall be open to the Inspection (without any Fee) of all Parties interested for One Year after the Date of each Sale respectively; and at any Time within that Year it shall be competent to any Party considering himself aggrieved to complain to the Sheriff Depute or Substitute of *Forfarshire* 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 such 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 in manner before directed, the Collector may sue for and otherwise recover the said Rates and Assessments according to Law.

Exemptions
from Assess-
ments.

XLV. And be it enacted, That the said General Commissioners shall not assess any House, Shop, Warehouse, Cellar, Vault, or other Building the aggregate Rent of which and of any other Building liable to be assessed under this Act occupied by the same Person or Company shall be under Two Pounds Sterling *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, nor any House, Shop, Warehouse, Cellar, Vault, or other Building which shall be unoccupied or unfurnished for the whole Year from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Town House nor Gaols or Police Office of *Dundee*, nor any Place used solely for Public Worship, nor any Buildings which are solely occupied for the Purpose of public Charity or of Science or Education; and provided always, that the said General Commissioners, on Application made to them, shall have the Power of
granting

granting Relief from the said Assessments to any Person on the Ground of Poverty or Inability.

XLVI. And be it enacted, That while or so long as the Trustees of the Harbour of *Dundee* shall, at the Expence of the Harbour Establishment, under the Provisions or Enactments contained in an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually maintaining, improving, and extending the Harbour of Dundee in the County of Forfar*, and in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of Dundee in the County of Forfar*, or in either of the said Acts, pave, light, watch, and clean the Streets, Piers, Quays, Jetties, and other Properties belonging to them South of the Line of the Foot Pavement made and to be made on the North Side of *Dock Street* within the Boundaries of the Harbour from its Western to its Eastern Extremity, as laid down on the Maps or Plans referred to in the said Acts of Parliament, the said General Commissioners shall not be entitled to assess for Police Purposes any Part of the Property of the said Harbour Trustees situated South of the Line above described, occupied by themselves, their Tenants or Feuars.

Exemption of the Harbour Trustees.

11 G. 4. c. 119.

6 W. 4. c. 61.

XLVII. And be it enacted, That the Security already found for the Collector or Treasurer appointed by the General Commissioners under the said first-recited Act shall continue in force and be effectual as a Security to the said Commissioners that such Collector will account to them for the Money received or to be received by him under the said Act or this present Act, in the same Manner as if he had been appointed and the said Security found under this present Act, and all future Collectors or Treasurers shall find sufficient Security to the said General Commissioners for their Intromissions with and faithfully accounting for the Funds which they shall be empowered to levy and collect to the Extent of One thousand Pounds Sterling at least; or failing to take such Security the Commissioners making the Appointment shall be individually responsible for the Default of the Persons appointed; and the Collector for the Time shall be obliged to lodge all Money 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 General Commissioners, and to be operated upon by the said Collector for the Time, and shall never retain in his own Hands above Fifty 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 Sum of Fifty Pounds remaining in his Hands, in name of Interest and Damages; and the said Collector or 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 General Commissioners or their Committee for the Objects of this Act, as the same shall be certified to the said Collector or Treasurer by the Clerk to the said Commissioners.

Collector to lodge in a Bank all Monies received by him.

XLVIII. And

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

XLVIII. And be it enacted, That if any Sums of Money or Surplus of the foresaid Assessments to be annually imposed shall remain at the End of any Year, after the whole Expences attending the proper Execution of the Act within the respective Places comprehended under this Act for that Year shall have been paid or provided for, the same shall be applied towards the same Purposes for the Year following, so that the Assessment may be to that Extent diminished; and if the Assessment for any Year shall not be sufficient for such Purposes for that Year, the said General 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 the Deficiency may be assessed.

XLIX. And be it enacted, That in case any Collector appointed by the said General Commissioners shall become insolvent, and the Sums chargeable against such Collector shall not immediately be paid by his Sureties, then and in every such Case the Sum deficient shall be assessed and levied along with and in proportion to 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.

L. And be it enacted, That the said General 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 their 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 first-recited Act, 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 the Sum of Sixpence, and so on in proportion for any greater Number of Words.

Accounts to be kept.

LI. And be it enacted, That the said General 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

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 Documents or Vouchers 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 the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Books or any Part thereof without paying any thing for the same, and in case the said Treasurer, Collector, or Clerk shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Treasurer, Collector, or Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

LII. And be it enacted, That all such Books shall be regularly fitted and balanced yearly as on the Fifteenth Day of *May*, and a Balance Sheet for the Year preceding shall be laid before the Annual Meeting of the General Commissioners on the Second *Wednesday* of *July*, from which a Statement of the Payments and Disbursements of the preceding Year shall be made out and printed on or before the Second *Wednesday* of *August* annually, and a Copy thereof shall be delivered to each of the General and Resident Commissioners, to each of the Assessors to the Dean of Guild of *Dundee*, to each of the Deacons of the Nine Incorporated Trades and of the Three United Trades of *Dundee*, to the Boxmaster of the Fraternity of Masters and Seamen, to the Preses of the Incorporated Society of Writers in *Dundee*, and to the Visitor of the Maltmen Incorporation, for the Use of their respective Incorporations, and shall be lodged in the Town Clerk's Office of the said Burgh, and in the Office of the Sheriff Clerk of *Forfarshire* in *Dundee*, and also in the Offices of the Clerk and Collector of Police, where it shall remain for Six Weeks open to the Inspection of every Person liable to pay any Part of the Assessments by this Act granted and made payable, without Fee or Reward.

Accounts to be balanced yearly.

LIII. And be it enacted, That all Collectors, Clerks, and other Officers and Persons employed under this Act shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners, or to such Person as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they respectively shall have received up to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Commissioners, or to such Person as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts and the Vouchers relating to the same in his Possession or Power, or shall refuse or neglect to pay the Money due on such Accounts, or if any such Officer or Person shall refuse or neglect to deliver up to the said Commissioners, or to such Person as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Magistrates or Jus-

Collectors, &c. to deliver Accounts.

tices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Commissioners, and such Magistrates and Justices are hereby authorized and required, by Warrant under their Hands, to cause such Officer or Person to be brought before them, and upon his appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Person against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon Inspection of the said Accounts, if produced, it shall appear to such Magistrates or Justices that any of the Monies which shall have been collected or received are in the Hands of such Officer or Person, such Magistrates or Justices are hereby authorized and required, upon Nonpayment thereof, to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Officer or Person respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of pouncing and selling the same, or if such Collector, Clerk, Officer, or other Person shall not appear before the said Magistrates or Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Magistrates or Justices an Account of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Magistrates or Justices the several Vouchers and Receipts relating to such Accounts respectively, in his Possession or Power, or the Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Magistrates or Justices are hereby authorized and required, by Warrant under their Hands, to commit such Collector, Clerk, Officer, or other Person to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Commissioners, and shall have paid such Composition in such Manner as the said Commissioners shall appoint, and which Composition the said Commissioners are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed for Want of sufficient Effects shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Same Person
not to be
Clerk and
Treasurer.

LIV. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners to appoint the Person already appointed or who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or a Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer or Collector for the Purposes of this Act, or to appoint any Person appointed or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other
Person

Person in the Service or Employ of any such Clerk or of his Partner, shall accept of the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust and Profit 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 who shall sue for the same, to be recovered, with full Costs of Suit, in the Court of Session or Sheriff Court of *Forfarshire*, by summary Complaint, at the Instance of any Person liable to be assessed under this Act, and when recovered shall be applied to the Purposes of this Act.

LV. And in order to raise what Sum of Money may be necessary before the Assessments herein authorized to be levied are made effectual in any One Year, be it enacted, That the said General Commissioners shall and may authorize their Treasurer or Collector from Time to Time to borrow any Sum or Sums of Money not exceeding at any One Time One thousand Pounds Sterling, and for farther 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 Sum or Sums so to be borrowed, with Interest thereof, shall be repaid and discharged; and such Assignations in Security may be in the Words and of the Form and Tenor herein-after directed, or may be in the ordinary Form of Bonds and Assignations in Security according to the Law and Practice of *Scotland*, but in all such Cases such Assignations in Security shall be subscribed by at least Two of the said General Commissioners as Witnesses: Provided always, that no General Commissioners, 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.

Money may be borrowed.

Commissioners and Collector not to be personally liable.

LVI. 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 it relates to the public Streets, Squares, Roads, Passages, and other Places within the Limits of the said Burgh of *Dundee* before described, not being Turnpike Roads, 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 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 the Monies to be raised under the Authority of this Act, 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

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

such Manner and of such Dimensions as may be thought necessary or proper.

Provision for
extraor-
dinary Ex-
pence in
such Works.

LVII. And whereas it may be found necessary or expedient for the said Commissioners to construct in One Year such Main Drains or Common Sewers, and execute such other Works connected with the paving, metalling, or macadamizing of the said Streets, Squares, Roads, Passages, and other Places within the said Burgh, that the Expence thereof will exceed what may be raised by Assessment in that Year for such Purposes; be it enacted, That it shall and may be lawful to the said Commissioners, nevertheless, and they are hereby authorized and empowered, to expend any Sum or Sums not exceeding in the whole during the Currency of this Act the Sum of Four thousand Pounds Sterling, to be raised by borrowing from Time to Time in virtue of the Powers herein contained: Provided always, that the Execution of the Work be resolved on or approved of by the Majority of a Meeting called for the Purpose, and at which there are present not less than Two Thirds of all the General Commissioners for the Time, or at an Adjourned Meeting at which at least a Majority of all the Commissioners for the Time are present.

Foot Pave-
ments to be
made.

LVIII. And whereas it would be greatly for the Convenience and Benefit of the Inhabitants residing within the Limits of the Burgh aforesaid 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 those Parts of the Burgh of *Dundee* over which the Regulations for paving established for the Time shall extend, 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 it is considered necessary) with flat hewn or other Stones, or in such other Manner and Form as the Dean of Guild of the Burgh of *Dundee* shall, by Orders or Decrees pronounced by him from Time to Time, on the Application of the Fiscal of his Court, or of any private Party having Interest, with Concurrence of the said Fiscal, or on the Application of the Superintendent of Police, 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 Dean of Guild 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 and Places on which no Buildings are erected, either to pave opposite their respective Properties, in manner aforesaid, or to pave opposite to such Gardens or Grounds with square-dressed Stones, until the same shall be built upon, provided a proper Kerb Stone shall be laid
at

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 said Dean of Guild, on Complaint of the said Procurator Fiscal or Party or Superintendent, to cause such Pavements to be made at the Charge and Expence of such Owners or Occupiers respectively; 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 said Dean of Guild to decree such Charges and Expences to be paid by such Owners and Proprietors either to the Tradesmen by whom the Work shall have been done or to any other Person to be named by the said Dean of Guild, with the additional Expence incurred in recovering the same.

LIX. 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 Limits of the Burgh of *Dundee* as before described, 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 General 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 Area 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.

Streets to be paved;

LX. Provided always, and be it enacted, That the Stones to be used in paving or macadamizing such 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 General Commissioners shall direct: 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 or 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.

and in what Manner.

Squares and Terraces.

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

Provisions as to Streets forming Outlets.

[*Local.*]

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regards

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.

Provision
as to Sup-
port of
Roads.

LXII. And be it further enacted, That nothing herein contained shall be understood to free and relieve the Turnpike Road Trustees from supporting and keeping in repair those Parts of the Turnpike Roads without the Bounds of the ancient Royalty of the Burgh of *Dundee*, or to free and relieve the Trustees for applying the Statute Labour Conversion Money of the County of *Forfar* from their Obligation as to expending such Money for the Support and Repair of Roads within the Bounds of the said Burgh, as before described, or to extend such Obligations.

Procedure
on Parties
failing to
pave or
macadam-
ize.

LXIII. And be it enacted, That if any Person 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 General Commissioners or other Persons authorized by them, then it shall be lawful to the said Dean of Guild, in his own proper Court, on Complaint of his said Procurator Fiscal, or the said Superintendent, to cause the said Streets or other Places to be paved or macadamized as aforesaid, at the Charge and Expence of the Owners or Proprietors, who shall be liable in the Expences of Process; and in case such Owners and Proprietors shall refuse or neglect to pay such Charges and Expences when required, it shall and may be lawful for the said Dean of Guild to decree such Charges and Expences to be paid by such Owners and Proprietors, either to the Tradesmen by whom the Work shall have been done, or to any other Person to be named by the said Dean of Guild, with the additional Expences incurred in recovering the same.

Footpaths,
&c. to be
kept in
Repair.

LXIV. And be it enacted, That where any Parts of the Footpaths within the Bounds of the said Burgh as before described, which private Individuals are under a legal Obligation to repair, are or shall be out of Repair, the Superintendent of Police is hereby required to give an Intimation in Writing to the Person liable to repair the same, provided that such Person be resident within the Limits over which this Act or any Part thereof extends, requiring him to make such Repair within a reasonable Time to be specified in such written Intimation; and failing due Attention being given thereto it shall be competent to the said Police Court, upon the Complaint of the said Superintendent, which he is hereby required to make, not only to authorize such Superintendent forthwith to get such Repairs made, but to find the Person complained of liable in the Expences of the same, and in all Charges connected therewith, and to give Decree for such Expences and Charges; and farther, to subject such Person in a Penalty for such Neglect not exceeding Two Pounds Sterling.

Water from
Roofs of
Houses to
be conveyed
in Pipes.

LXV. And be it enacted, That the Owners and Proprietors of all Houses and other Buildings fronting any public Street, Square, or other public Place within those Parts of the Bounds of the said Burgh before described over which the Regulations for paving established for the Time shall extend, where there are no sunk Areas between the Houses and the Foot Pavement or Path, shall cause the Water from the Roofs of such

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, whether such Sewers shall have been formed and are upheld at the public Expence or by private Parties, 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 necessary 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 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.

LXVI. 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 against the Tenant or Occupier, Notice being given, by Letter sent through the Post Office, to the Proprietor or the 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.

Tenants may be required to defray Expences, and may retain the same out of their Rents.

LXVII. And whereas there are many Cellars and other Places adjoining to the public Roads, Streets, Squares, Passages, and Places within the Bounds of the said Burgh, 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 Cellars and other Places shall be bound, when required by the Magistrates and Town Council of *Dundee*, or any Person whom they may appoint to attend to such Matters, or by the Superintendent of Police, to construct and place, at the Expence of such Proprietor, a sufficient Iron Grating or other sufficient Cover in or over such sunk Step on the

Sunk Steps to be covered over.

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 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 Step, 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 any of the Judges in the Police Court 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 Step shall in any Case be constructed within the said Burgh under a Penalty not exceeding Five Pounds for each and every Day that the same shall remain.

Stones,
Lime,&c. on
Streets to be
inclosed and
the Inclo-
sures light-
ed.

LXVIII. And be it enacted, That in case any Stones, Lime, Sand, or other Materials shall be deposited, or in case any Sheds for 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 Limits of the said Burgh before described, 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 Opening, 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 Sun-setting to Sun-rising 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 burning Lamps or Lights 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, and without such Rail or Fence and Lamps or Lights 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; reserving always to any Persons 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.

Houses
building or

LXIX. And be it enacted, That when any House within any Part of the Limits of the said Burgh over which the Regulations for paving established

established shall extend 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 other 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 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 Burgh Notice shall be given to the Superintendent of Police of what is intended, Three Days at least 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 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.

under Re-
pair to
be fenced
and lighted.

LXX. Provided always, and be it enacted, That nothing herein contained shall be held to infringe upon or diminish the Force of the Regulations made or which may be made in relation to such Matters, by the Magistrates or Dean of Guild of *Dundee*, or to give Power to any Person to inclose any Part of the public Streets of *Dundee*, or perform any Operation on the Buildings within the Burgh, without the Warrant of the proper Authorities.

Nothing
herein con-
tained to
lessen the
Force of the
Burgh
Regulations.

LXXI. And be it enacted, That the Judges of Police under this Act, or any One of them, shall upon Complaint order to be removed or to be repaired and secured all Chimney Tops, Chimney Cans or Pots, Tiles, Slates, Shutters, Ridges, Copping, or other Articles or Things upon or projecting from the Roofs or other Parts of Houses or Buildings within the said Burgh 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 Case,

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

[Local.]

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besides

besides paying all Expences, forfeit and pay a Sum not exceeding One Pound Sterling.

Regulating
Foot Pavements and
Streets.

LXXII. And be it enacted, That if within the Bounds of the said Burgh before described 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, 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 (except 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, upon 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 or Stone Horse (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 Slaughter House, 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

any Timber or other such Thing, though principally conveyed on 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 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, in any Street, Square, public Passage or public Place, without the Authority of the Magistrates, sell or assist in selling by Auction or public Sale any Cattle, Goods, Wares, 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 Carriage-way 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 Burgh 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 play at Football or at any other Game, or shall fly any Paper Kite or other Kite, 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 Fire-arms, or let off, set fire to, or throw any Crackers, Squib, Rocket, or other Firework; or play at any 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; then and in every such Case it shall and may be lawful for any Person who shall see such

such Offence committed to seize such Offender, and by Authority of this Act, without any other Warrant, to convey him to the Custody of any Officer of Police or other Peace Officer, in order to be secured or conveyed before any One or more of the said Judges of Police; and, the Party accused being brought before him, the said Judge shall, upon the Complaint of the said Superintendent, proceed to examine into the Cause of 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 Sterling, and any Person convicted of any other of the above Offences shall forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Vicious
Dogs to be
properly
secured.

LXXIII. 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 Daytime, 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 as herein elsewhere provided.

Regulating
Sign Posts,
&c.

LXXIV. And be it enacted, That it shall and may be lawful to the Judges of the said Police Court or any of them 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 Burgh, or any Goods or other Things exposed at the Doors of Shops within the said Burgh so as to encroach on the Foot Pavements, and to prohibit the Obstruction of Passengers by the Offer of Goods for Sale at Shop Doors or at any Distance from the same within the said Burgh; and in future, within the said Burgh, all Signs or Boards shall 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 or 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 Police Court shall fix and determine; and no Window Shutter which shall hereafter be constructed within the said Burgh 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 within the said Burgh; and if within the said Burgh 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,

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 Meaning of this Act, or shall hang any Window Shutters on the Outside as aforesaid, or construct any Door to open outwards as aforesaid, it shall be lawful for the said Judges or any of them, 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 Sterling 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.

LXXV. Provided always, and be it enacted, That nothing contained in this Act is to 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 Burgh, 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 *Dundee*, or the Magistrates and Town Council of *Dundee*, 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.

Not to apply
to Market
Places.

LXXVI. And be it enacted, That when any Houses or other Buildings adjoining to any of the Streets, Squares, Lanes, Closes, or other public Places within the Bounds of the said Burgh 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 *Dundee*, on an Application by the Provost, Magistrates, and Town Council of *Dundee*, 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 under a summary Application, at the Instance of either Party, to the Dean of Guild of *Dundee*, whose Award or Decree shall be final, and not subject to Review in any Court.

New Build-
ings in
Streets, &c.
to be erected
in a Line.

LXXVII. And be it enacted, That it shall and may be lawful to the said Dean of Guild, in his own proper Court, on an Application by the said 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 Limits of the said Burgh before described, 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,

Stairs and
other En-
croachments
on the
Streets, &c.
to be re-
moved.

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Projections,

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 Dean of Guild, and that within such reasonable Time and in such Way as to such Dean of Guild may appear suitable; and if the same be not removed within the Time fixed by such Dean of Guild the Person through whose Default the Decree or Order of Court has not been duly implemented shall forfeit and pay any Sum not exceeding Five Pounds, and the Dean of Guild may and is hereby required to issue his Warrant to the Superintendent of Police or other Person for removing *brevi manu* such Stairs, Projections, Encroachments, or other Things so ordered to be removed.

If convenient Access cannot be obtained except by such Stairs, &c. then to be only partially removed.

LXXVIII. Provided always, and be it enacted, 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 Limits of the said Burgh 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 an Application by the said 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; and in case of Failure to execute the Operations ordained by such Dean of Guild within the Time allowed, the Penalty before specified for a Failure to implement the Orders of the Dean of Guild, in case of a total Removal, shall in this Case also be incurred and recoverable; and the Dean of Guild may and is hereby required to issue his Warrant to the Superintendent of Police or other Person for removing the same *brevi manu*.

Compensation for Injury.

LXXIX. 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 Provost, Magistrates, and Town Council for such Injury according as the Amount thereof shall be agreed upon between him and the said Provost, Magistrates, and Town Council, or shall be ascertained by the Dean of Guild of *Dundee* as aforesaid, whose Award or Decree shall be final and not subject to Review.

Expences to be paid by Town Council.

LXXX. 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 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

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 accordingly 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.

LXXXI. 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 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 as aforesaid; but, on the contrary, it shall be lawful to the said 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 of 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 Burgh beyond the Line of the Building to which they are attached.

Nothing herein to be held as admitting any insufficient Right.

LXXXII. And be it enacted, That the said General Commissioners shall and may provide and erect such additional 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 Bounds of the Burgh of *Dundee* before described; and if they find it necessary to expend for that Purpose such Sums as may be required during the Currency of the Act, not exceeding in all the Sum of One thousand Pounds Sterling, to be raised by borrowing from Time to Time in virtue of the Powers herein contained; and shall and may light such Lamps with Oil or Gas, and 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 General 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,

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

Railings, or upon the Houses and other Buildings on the Sides of the Streets, with as little Injury as possible.

Streets and Ways may be opened for laying down Gas Pipes.

LXXXIII. 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 Bounds of the said Burgh as 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 General 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: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to set up or fix any Lamp, Lamp Iron, or Lamp Post against any Dwelling House or Houses or private Buildings, or any private Lands or Heritages and Premises, or so to continue the same for the Purpose of supplying Gas to any Person or Persons, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Lands, Heritages, or Premises respectively for that Purpose.

Penalty for breaking Lamps.

LXXXIV. And be it enacted, That if any Person shall wilfully takeaway, break, or throw down any Lamp, Lamp Post, Lamp Iron, or Gas Tube, which now is or shall hereafter be set up within the Bounds of the said Burgh as 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 to seize and also for any other Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey and deliver such Offender into the Custody of a Police or other Peace Officer in order to be secured and conveyed before One or more of the Judges of Police under this Act 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 Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damage done.

Police Office and Gaol.

LXXXV. And whereas by the Act first herein recited the Commissioners thereby appointed were authorized to provide a Bridewell or Correction House for the Reception of such Persons as should be convicted of Crimes committed within the Bounds comprehended within the said Act, and a proper Police Office, containing a Court Room, and suitable Accommodation for the Meetings of the said Commissioners and their Committees, and for the several Officers of the Establishment, with Apartments or Cells for Prisoners, and proper Watch-houses in different Situations, so as that the Sums to be disbursed for these Purposes respectively should not exceed the Sums of Four thousand Pounds and Two thousand Pounds: And whereas, before the said Bridewell or Correction House and other Accommodation had been provided, an Act was passed in the Fourth and Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled

intituled *An Act for erecting and maintaining a Gaol for the Royal Burgh of Dundee in the County of Forfar*, whereby the Commissioners acting under the said first-recited Act were authorized to contribute the said Sums towards the Funds of the said Act of the Fourth and Fifth Years of the Reign of His late Majesty; and it was enacted that the Commissioners acting under the said Act of the Fourth and Fifth of the Reign of His late Majesty should be bound and obliged, and were thereby required, to provide, in the Buildings to be erected by them in virtue of the said Act, a proper Police Office, containing a Court Room and suitable Accommodation for the Meetings of the Commissioners of the said first-recited Act, and their Committees, and for the several Officers of the Police Establishment, and other suitable Accommodations of the Kind, and for the Purposes in respect of which the said Sum of Two thousand Pounds was by the said first-recited Act authorized to be disbursed; and when the Gaol to be erected under the said Act of His late Majesty should be completed and delivered over to the Magistrates and Town Council of the said Burgh, as provided by the said Act, the said Magistrates should permit and suffer the same to be used for the Reception of such Persons as should be convicted of Crimes committed within the Bounds comprehended in the said first-recited Act, and who should be ordered to be committed thereto by Warrant of any of the Provost, Bailies, or Dean of Guild of *Dundee*, or Sheriff Depute of the said County, or his Substitutes, acting as Judges under the said first-recited Act: Provided always, that Prisoners committed to and detained in the said Gaol under Warrants and Sentences of the Judges acting under and by virtue of the said first-recited Act, or any Act or Acts for altering or amending the same, should be maintained from the Funds under the Management of the Commissioners of Police acting under the same, in manner as had been the Case theretofore: Provided nevertheless, that the free Produce of any Labour performed by such Prisoners, so far as not paid over to the Prisoners themselves, should be allowed and applied towards the Aliment of such Prisoners; and in computing the same no Sum should be stated for Cost of Management, or for Fuel, Bedding, or the like, but only the actual Sums paid for Provisions should be stated: And whereas the Commissioners under the said first-recited Act have, out of Monies raised by them, paid over to the Commissioners under the said Act of the Reign of His late Majesty King *William* the Fourth the said Sums of Four thousand Pounds and Two thousand Pounds; be it enacted, That notwithstanding the Repeal of the said first-recited Act the Commissioners and Police Court under this present Act shall, so far as regards the Enactments, Powers, and Provisions before recited, contained in the said Act of His late Majesty, come in the Place and Stead of the Commissioners and Police Court constituted under the Authority of the said first-recited Act, and shall have and enjoy the like Powers, Privileges, and Authorities necessary in the Execution of this present Act as were conferred by the said Act of His late Majesty.

LXXXVI. And be it enacted, That for the Purposes herein specified, or for any of these Purposes, it shall be in the Power of the said General Commissioners, at any Meeting, stated or special, to borrow any Sums of Money, not exceeding in all the Sums hereby authorized to be borrowed and expended for such Purposes respectively: Provided always, that the said General Commissioners shall be bound to make Provision out of the Assess-

[*Local.*]

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Power to
borrow
Money.

ment hereby authorized to be levied annually within the Limits of the said Burgh for the Payment of the agreed on Interest, not only of the Money to be borrowed under this Act, but also of the Money borrowed under the said first-recited Act of the Reign of His late Majesty King *George* the Fourth, and at least Two and a Half *per Centum* annually of the Principal Sums borrowed; and it shall not be lawful at any Time to apply the Proportion of the said annual Assessment necessary for the Payment of such Interest and such Instalment of the Principal to any other Purpose.

Power to grant Bonds and Assignations for Money borrowed.

LXXXVII. And, for the greater Security of Persons who shall advance or lend the Money to be borrowed by the said General Commissioners for all or any of the Purposes aforesaid, be it enacted, That the said Commissioners shall be and they are hereby empowered to issue to such Persons Bonds and Assignations in Security for the Sum or Sums so advanced or lent, either in whole or in such Instalments as may be agreed on, such Bonds and Assignations in Security being in the Form or to the Effect and transferable and payable in manner herein provided; and full Copies of such Bonds and Assignations in Security shall be engrossed in the Sederunt Book of the said Commissioners, and the Copies so entered shall be signed by the Treasurer or Collector, and by such Two of the General Commissioners as shall sign as Witnesses to each particular Bond and Assignation in Security as herein directed.

Interest to be paid yearly.

LXXXVIII. And be it enacted, That out of the Monies to arise from the said Assessment hereby authorized to be levied the said Commissioners shall and they are hereby required regularly once in the Year at least, if demanded, to pay the Interest which shall become due upon such Bonds and Assignations in Security, or the Bonds and Assignments already granted under the said first-recited Act of His late Majesty King *George* the Fourth, to the Persons having Right to the same for the Time being.

In case of Failure to demand, or Refusal to receive any Instalment, the Money to be deposited.

LXXXIX. And be it enacted, That in case any Person having Right to any of such Bonds and Assignments, or Assignations in Security, at the Time when the same shall become due and payable, shall neglect to demand or refuse to receive Payment of such Principal Monies and Interest then due upon the same, or shall refuse or be incapable to grant a sufficient Discharge upon Payment, then, upon Application to and by Warrant of any of the Magistrates of *Dundee*, or the Sheriff Depute or Substitute of the said County of *Forfar* (which Warrant such Magistrate, Sheriff Depute or Substitute, is hereby empowered and required to grant), and upon such due Notice as such Magistrate, Sheriff Depute or Substitute shall appoint to be given to the Person then having Right or appearing to have Right to such Bond and Assignment, or to the next of Kin or Person supposed to be the next of Kin, or the Person known or believed to be otherwise the legal Representative of deceased Persons who had or were supposed to have Right to such Bonds and Assignment or Assignation in Security, it shall be lawful to the said Commissioners or their Treasurer, and they are hereby required, to consign such Principal Monies and the Interest then due upon the same, under Deduction of the Expence of the Application and Warrant, in the Hands of the Cashier of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, or Commercial Bank or National Bank of *Scotland*, or of the duly authorized Agent at *Dundee* of any of the said Banks, according as such Magistrate, or Sheriff Depute

Monies assigned in the Deed.

said Commissioners, and witnessed by any Two of the said Commissioners, shall be good and sufficient; and, till Repayment of such Principal Monies, and the Interest to arise thereon, such Bonds and Assignations in Security respectively shall be a Lien and Charge on the Rates and Monies thereby assigned, and shall entitle the Holder of such Securities for the Time being to recover such Principal Monies and Interest from such Commissioners, and their Treasurer, Collector, or other Officers having the Management of or receiving such Rates and Monies, out of the first and readiest of the Rates and Monies assigned, and that by Action to be brought, if necessary, before the said Magistrates of *Dundee*, or Sheriff Depute or Substitute of the said County of *Forfar*, or by any other Form known and used in the Law of *Scotland*; together with the full Expences of such Action, and of recovering such Monies and Interest.

Bonds may be transferred by Indorsement.

XCI. And be it enacted, That every Person to whom Bonds and Assignments have been already granted, or to whom Bonds and Assignations in Security shall be granted as aforesaid, or who for the Time shall have Right to the same, may from Time to Time, by a Writing under his Hand, duly stamped according to the Law in force at the Time, and signed in the Presence of One credible Witness, assign or transfer his Right, Title, or Interest in the Premises to any other Person; and that such Transfer shall be in the following Words, or to the Effect following; (*videlicet*,)

Form of Transfer.

‘ I C. D. do transfer a Bond and Assignment [*or* Bond and Assigna-
 ‘ tion in Security] granted in my Favour by A. B., Treasurer [*or*
 ‘ Collector] to the General Commissioners under the Act [*here describe*
 ‘ the first-recited Act of His late Majesty King George the Fourth, or

‘ this present Act, as the Case may be, by the Title of the same or other-
 ‘ wise], for and on behalf of the said Commissioners, and which Bond and
 ‘ Assignment [*or* Bond and Assignation in Security] is dated [*here set*
 ‘ forth the Date], with all the Right, Title, or Interest which I have
 ‘ under the same, to E. F. his, [*her or their, as the Case may be,*] Executors,
 ‘ Administrators, or Assignees. Dated at this
 ‘ Day of

(Signed)

‘ C. D.’

‘ Witness, K. L.’

Transfers to be intimated.

Which Transfer shall be notified to the Treasurer to the said Commissioners, who shall cause and he is hereby required to cause an Entry or Memorandum of such Transfer or Indorsement, containing the Date, Names of the Parties, and Number or Mark of such Bond and Assignment, or Bond and Assignation in Security, and the Interest then due on the same, to be entered in the Sederunt Book of the said Commissioners; and shall certify such Entry on the Back of such Bond, and immediately under such Transfer; and after such Entry and Certificate, and not till then, such Transfer shall entitle the Person to whom the same shall be so made, his Executors, Administrators, and Assignees, to the full Benefit of such Bond and Assignment, or Assignation in Security; and every such Person to whom such Transfer shall be made as aforesaid may in like Manner again transfer such Bond and Assignment, or Assignation in Security, to any other Person, so often as the Case shall happen; and after such Entry and Certificate it shall
 not

not be in the Power of the Person making such Transfer, certified to have been entered as aforesaid, to make void, release, or discharge such original Bond and Assignment, or Assignment in Security, or Transfer of the same, or any Monies due or Benefits arising thereupon, or any Part thereof.

XCII. And be it enacted, That in case of any Misapplication of the Money received or levied by virtue of this Act all Persons who shall so misapply the same, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sum so misapplied, together with the Expences of Process, to be recovered at the Instance of any Three or more of the General Commissioners, who are hereby authorized to sue for and recover the same by summary Complaint before the Court of Session or the Sheriff Court of *Forfarshire*, without abiding the Course of the Roll; the Money thus recovered to be applied for the Purposes of this Act.

Penalty for misapplying any of the Monies.

XCIII. And be it enacted, That in case the said General Commissioners shall not have fully discharged the Sums which have been or may be borrowed as aforesaid, Six Months after the Expiration of Fifteen Years from the Commencement of this Act, then it shall be lawful to the Sheriff Depute of *Forfarshire* or his Substitute, and such Sheriff Depute or Substitute is hereby required, on the Application of any Creditor or other Person having Interest, to levy or cause to be levied from those liable to be assessed for the Purposes of this Act, within the said Burgh of *Dundee* as before described, such Sum as may be necessary for completely discharging all Sums of Money which may have been borrowed for the Purposes of this Act, and have not been paid by the said Commissioners, together with the Interest of such Debts, and for that Purpose to impose an Assessment in the Manner in which the Assessments hereinbefore directed are ordered to be imposed, and to appoint Assessors and Collectors, and to apply the Money so levied towards Payment of such Debts.

Farther Assessment to be levied for Payment of Debts.

XCIV. 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 for the said Burgh of *Dundee*, to guard, patrol, and watch the Streets, Squares, Courts, Ways, Closes, and Passages within the Bounds of the said Burgh, as herein-before described, according to the Regulations already made, or such other Regulations as shall be prescribed by the said General Commissioners, or by the said Superintendent of Police, under the Control of the said General Commissioners; and to apprehend and bring before the Magistrates and Dean of Guild of the Burgh, or any of them, or the Sheriff Depute of the County or his Substitute, acting as Judges under this Act, all Persons who may be found within the Limits of the said Burgh, or the other Limits over which any Part of this Act extends, actually committing any criminal, riotous, or disorderly Act, or accused or suspected of having committed any such Act, whether within or beyond the said Bounds, or offending against or accused of offending against any of the Provisions of this Act, in order that such Persons may be proceeded against before the said Judge or Judges 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 first-recited Act

Duty of Superintendent of Police.

of His late Majesty King *George* the Fourth, or which under this present Act shall be made as aforesaid, by the said General Commissioners, to afford at all Times his best Aid and Assistance to the Magistrates and Dean of Guild of the Burgh, and the Sheriff Depute 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 Limits; and to enforce the Observance of all Regulations made or to be made by the said Provost and Magistrates or Dean of Guild, with respect to the public Markets, and the Conduct of Persons resorting to the same, and with respect to the public 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 General 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 these Matters are hereby placed under their Control; as also to give Attendance as herein directed in the Police Courts, 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 Lieutenants, Sergeants, and Watchmen appointed or to be appointed by him, and generally to execute the whole Matters and Things of which the Execution is committed to him by this Act.

Superintendent, &c. may visit the Gaol, &c.

XCV. And be it enacted, That the Superintendent of Police, and also any of the said General Commissioners of Police, not exceeding Three in Number, to be elected and appointed at any of their Meetings as a visiting Committee, shall be entitled at all Times to visit and inspect the Gaol of the Burgh of *Dundee* for the Time, and any other Places where Criminals shall be confined within any Part of the County over which this Act or any Part thereof extends, the respective Keepers of which are hereby enjoined to admit them respectively when Access is demanded; and the said Superintendent and Members of the said visiting Committee respectively are hereby authorized and required to report from Time to Time to the Provost and Bailies of *Dundee*, to the Sheriff of the County, and to the Clerk of the said General Commissioners, whatever may appear to them incorrect in the Conduct or Management thereof, or any Improvements that may occur to them as proper to be adopted therein.

Other Duties of Superintendent.

XCVI. And be it enacted, That it shall be lawful to the said Superintendent of Police, and he is hereby authorized and required, 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 Complaints in Name of the Superintendent it shall be competent to the Judge sitting in the Police Court for the Time 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, the Commissioners to appoint the Superintendent.

XCVII. And be it enacted, That the said General 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

intendent of Police under this Act ; and such Appointment shall be made at a General Meeting of the said General Commissioners called for the Purpose, by Notices sent through the Post Office, addressed to each General Commissioner, and by Advertisement in at least One Newspaper published in *Dundee*, 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 Fourteen Days before the Day of Meeting, and at least a Majority of all the General Commissioners for the Time being present at the Time the Nomination is made ; and if a Majority of the General 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 General Commissioners for the Time shall assemble ; and the same Notices shall be given of such adjourned Meetings as of the original Meeting.

XCVIII. And be it enacted, That if at any Meeting of the said General 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 General 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 General Commissioners for the Time shall appear, then the Meeting shall proceed to Business and dispose of the Motion, and shall have Power to dismiss the Superintendent, provided the Motion shall be voted for by such Number of General Commissioners present as shall amount to an absolute Majority of the General Commissioners for the Time, but if not Two Thirds, but only an ordinary Quorum of all the General 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 General Commissioner within One Day after the Adjournment is made ; and if at such adjourned Meeting the Majority of all the General 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 General Commissioners for the Time, then the Motion for Dismissal shall be held as rejected.

Dismissal of Superintendent.

XCIX. And be it enacted, That a Majority of those present at any Meeting of the General 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

Superintendent may be suspended.

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.

An interim Superintendent may be appointed.

C. 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 General 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.

Watchmen to be appointed.

CI. And whereas it is expedient that the Superintendent of Police under this Act should, as far as possible, be made answerable for the Conduct of the Watchmen and other Officers of the Department acting under his Orders ; be it enacted, That as often as the Number of Lieutenants, Serjeants, Watchmen, and other inferior Officers of Police for guarding, patrolling, and watching within the said Burgh or the Districts of *Lochee* and *Broughty Ferry* respectively shall be fixed, it shall and may be lawful to the said Superintendent, and he is hereby authorized and empowered, from Time to Time when such Appointment becomes necessary, to appoint proper Persons to these respective Offices, to direct their Distribution within the different Wards of the said Burgh, or within the said Districts of *Lochee* and *Broughty Ferry* respectively, as the Case may be, and (with the Exception of the Lieutenants and Serjeants) to remove at pleasure such of the said Officers as shall be the existing Officers within the said Burgh at the passing of this Act, as well as those to be subsequently appointed by him ; but providing always, that he shall not be entitled to dismiss any Lieutenant or Serjeant of Police without the Concurrence of a Majority of the Committee on Watching for the Time, to be appointed by the said General Commissioners ; and if such Majority will not concur, then the Superintendent of Police shall not be entitled to dismiss such Lieutenant or Serjeant without the Concurrence of a Meeting of the General Commissioners, stated or special ; and the said Superintendent, Lieutenants, Serjeants, Watchmen, and other inferior Officers under the said Superintendent shall, within the said Burgh and the Districts of *Lochee* and *Broughty Ferry*, have and exercise all the Powers belonging to Constables by the Law of *Scotland*.

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

CII. 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 the said Burgh, at such Salary as to them shall appear proper, and otherwise the Duties and Powers hereby incumbent on and committed to such Inspector in case of his being appointed shall devolve and are hereby devolved upon the Superintendent of Police for the Time.

CIII. And

CIII. 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 another fit Person in his Stead, or devolve his Duties and Powers as aforesaid on the Superintendent of 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.

General Powers to the Commissioners in relation to the Inspector.

CIV. 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, and such Inspector or Superintendent, as the Case may be, is hereby empowered, as often as the said General Commissioners shall have fixed the Number of Scavengers and Lamplighters to be employed under his Charge, to appoint proper Persons to perform the above-mentioned Duties, and to remove them at pleasure, he being accountable for their Conduct therein; and to see that all the Lamps within the said Burgh be lighted in due Time, and kept in all respects in proper Order; and to see that the public Streets, Squares, Passages, and other Places within the said Burgh be properly and sufficiently and in proper Time cleansed by the Scavengers employed under his Charge and Inspection; and to attend any of the General or Resident Commissioners, when required; and to attend to the due Fulfilment of all Contracts made by the General 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 Burgh; to receive and forthwith communicate to the said General Commissioners any Complaints or Remonstrances relating to the lighting or cleansing which may be made to him by any of the Resident Commissioners, with the Result of his own Inquiries on the Subject; to make a Report to the said General 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 General Commissioners relative to the Execution of the Duties before mentioned.

Duties of Inspector.

CV. 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 Court of Police, in all Cases arising out of any Breach of the Regulations hereby made or which may be made by the said General Commissioners as to lighting or cleansing, and as to all other Matters and Things hereby placed under his Charge.

Inspector may prosecute in his own Name.

Duties of
Serjeants,
Watchmen,
&c.

CVI. And be it enacted, That it shall also be the Duty of the Serjeants, Watchmen, and other inferior Officers of the Watching Department within the said Burgh to report each Morning to the Inspector of Lighting and Cleansing, or to the Superintendent of Police, in case no such Inspector shall be appointed, the State of the Lamps during the preceding Night, the Time at which the different Scavengers and Carters were on their Stations in the Morning, and the Time when the cleansing of the different Wards was completed within their respective Beats or Districts.

Lieutenant
of Police or
other Officer
may exercise
the Office of
Superin-
tendent or
Inspector.

CVII. 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 any Two of the Judges of the Police Court, or to the Judges of the Police Court, or any Two of them, 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 Serjeants or other superior Officers of the Establishment, to use and exercise all the Powers and Duties of the Superintendent or Inspector, as the Case 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; and it shall be in the Power of the General Commissioners for the Time to order and determine whether such Substitute shall be paid from the Police Funds, or out of the Salary of the absent Officer.

Judges of
Police or
Commis-
sioners or
Sheriff may
dismiss
Watchmen,
Scavengers,
&c.

CVIII. And be it enacted, That notwithstanding any thing herein contained it shall be lawful to and in the Power of the Judges of Police under the Authority of this Act, or any Three of them, or to the said Commissioners or Quorum of them assembled at any Meeting, to dismiss or order to be dismissed any of the Patrolmen, Watchmen, Scavengers, or other inferior Officers for the said Burgh of *Dundee*, appointed or to be appointed in manner herein provided, at any Time when they or any of them shall find it necessary or proper so to do; and it shall in like Manner be lawful to and in the Power of the said Sheriff Depute of the County of *Forfar*, or One of his Substitutes usually holding Courts in *Dundee*, to dismiss or order to be dismissed any of the Patrolmen, Watchmen, or other inferior Officers to be appointed as herein provided for the said Districts of *Lochee* and *Broughty Ferry*, when such Sheriff Depute or Substitute shall find it necessary or proper so to do; and such Patrolman, Watchman, Scavenger, or other inferior Officer, when so dismissed, shall not be again employed under this Act, unless with the Approbation, expressed in Writing, of the Authority by which or under whose Order his Dismissal took place.

Foot Pavements to be
cleansed.

CIX. And be it enacted, That from and after the passing of this Act, in case the said General 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 Limits of the said Burgh, as before described, under their own Management, in manner herein provided, the Persons who shall possess the Shops, or, where there are no Shops, who shall possess the First Floor of any Dwelling House

OR

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 said 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, so 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 in the First Floor then the said Obligations shall apply to the Possessor of 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, and 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 of, and determine such Dispute: Provided always, that in case it shall appear to the said General 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 or Water Channels, then it shall and may be lawful to the said General Commissioners to employ the public Scavengers to do so, and to defray the Expence thereof out of the Funds raised by virtue of this Act.

CX. 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 Burgh of *Dundee*, as before described, (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 General 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. Streets to be cleansed.

CXI. Provided always, and be it enacted, That all Coal, Culm, Sweeping of Cellars and other Rubbish, which have been or may be collected within Rubbish to be removed.

within any of the Houses or other Buildings within the Bounds before described, 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 Burgh, 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 General Commissioners.

Dung, &c.
vested in the
Commis-
sioners.

CXII. And be it enacted, That the whole Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the Limits of the Burgh of *Dundee* before described shall be vested in the said General Commissioners, saving and excepting the Refuse of the public or general Slaughter-house for the Time within the said Burgh, and of Tan Yards and Spinning Mills, and the Dung from Stables and Cow-houses, subject to the Provision after mentioned, and also saving and excepting the whole Dung, Fulzie, Soil, Dirt, Ashes, and Filth from Places situate beyond the Boundaries of the ancient Burgh of *Dundee*, belonging to any Person having an Ash-pit or Necessary for the Use or Accommodation of his Family, and for receiving the Dung, Fulzie, Soil, Ashes, and Filth of such Family exclusively, or belonging to any Persons inhabiting the same Tenement of Land, and having an Ash-pit or Necessary for the Use or Accommodation of those inhabiting such Tenement, and for receiving the Dung, Fulzie, Soil, Ashes, and Filth of such Inhabitants exclusively, and deposited by such Person or Persons in such Ash-pit or Necessary, provided such Ash-pit or Necessary be removed from any public Street, Lane, or Passage, and not exposed to the View of Foot Passengers therefrom, and in such a Situation as not to admit of Deposition by Neighbours, or to be in any respect offensive to Neighbours or the Public; and also saving and excepting the Dung, Fulzie, Soil, Dirt, Ashes, and Filth, which, from and after the Fifteenth Day of *May* One thousand eight hundred and thirty-eight, shall be collected by the Trustees of the Harbour of *Dundee* on the Streets, Piers, Quays, Jetties, and other Properties belonging to them South of the Line of the Foot Pavement on the North Side of *Dock Street*, from its Western to its Eastern Extremity as aforesaid, while or so long as the said Trustees shall cleanse the said Streets, Piers, Quays, Jetties, and other Properties at the Expence of the said Harbour Establishment; and it shall and may be lawful to the said Commissioners to gather and carry off the said Dung, Soil, Fulzie, Dirt, Ashes, and Filth so vested in them, and to deposit the same in such suitable Place as they shall think fit, and to sell and dispose of the same as public Property, to such Persons as may be willing to purchase the same, and that in such Manner as the said General Commissioners may think fit; and the Money thence arising shall make Part of the Funds for the Purposes of this Act.

Regulations
regarding
Dung, &c.

CXIII. And be it enacted, That if any Person shall sell or otherwise apply to his own Purposes, or throw or convey into the River or Firth of *Tay*, any such Dung, Soil, Fulzie, Dirt, Ashes, and Filth so vested in the said General Commissioners, he shall be liable in a Penalty over and above the Value of the same, not less than Twenty Shillings nor more than Five Pounds for each Offence: Provided also, that it shall be lawful to the said General Commissioners to make and establish from Time to
Time,

Time General Regulations, or to alter or amend the existing General Regulations in relation to the gathering, collecting, conveying, depositing, retaining, and accumulating of the Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the Bounds of the said Burgh, 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 and in such other Way as the General 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 Slaughter-house, Stable, or Cow-house, or other Places excepted as aforesaid, shall mix or allow to be mixed therewith any Dung, Soil, Dirt, Ashes, or Filth vested in the said Commissioners, or if any Dung, Soil, Dirt, Ashes, or Filth vested in them shall be mixed with Dung, Fulzie, or Refuse of any Slaughter-houses, Stables, or Cow-houses, or other Places excepted as aforesaid, without the Knowledge of the Owner thereof, and the said Owner shall not, within Twenty-four Hours after he shall 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 said Dung, Fulzie, and Refuse vested in the said Commissioners; and it shall then be lawful for the said Inspector or the said Superintendent to take Possession of, sell, and dispose of the same as public Property, and the Money thence arising shall make Part of the Funds for the general Purposes of this Act.

CXIV. 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, to seize, detain, and secure all Dung, Fulzie, or Refuse gathered, collected, conveyed, deposited, retained, or accumulated in Breach of the said Regulations, or mixed as aforesaid, 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.

CXV. 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, and Refuse of Slaughter-houses, Stables, or Cow-houses belonging to private Parties, any Dung, Soil, Dirt, Ashes, or Filth vested by this Act in the said Commissioners, or if any Person shall be convicted before such Judge of depositing or allowing to be deposited in any Ash-pit or Necessary beyond the Bounds of the ancient Burgh of *Dundee*, other than such as he shall or may have provided as aforesaid for the exclusive Use of himself and his Family, or as shall have been provided for the Tenement of Land of which he inhabits a Part as

Penalty for mixing Dung, &c.

[*Local.*]

46 Q

aforesaid,

aforesaid, any Dung, Soil, Fulzie, Dirt, Ashes, and Filth from Places not occupied by himself or his Family, such Person or Persons shall be liable for every such Offence in a Penalty not exceeding Five Pounds and not less than Five Shillings.

Provision against depositing the Police Manure in same Place with other Dung.

CXVI. And be it enacted, That in case any Person or Persons shall, without the Consent or Approbation of the 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 or Cow-houses, or any other Dung, Fulzie, or Refuse excepted as aforesaid from the general Right of the Commissioners, 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 Sterling, and for every Offence after the first in a Penalty not exceeding Twenty Shillings Sterling: Provided always, that in all Cases of Penalties awarded under the foregoing Enactments in relation to the Dung, Soil, Dirt, Ashes, and Filth within the Bounds of the said Burgh, 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 rent Dung-hill Stances, and to erect Privies.

CXVII. And be it enacted, That it shall and may be lawful to and for the said General 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 or 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 Limits 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.

Dung may be leased.

CXVIII. And be it enacted, That it shall be lawful to the said General Commissioners from Time to Time to grant Leases for any Period not exceeding Three Years of the Dung, Fulzie, Soil, Dirt, Ashes, and Filth hereby vested in them, either with or without such as shall come to belong to them by Forfeiture, such Leases being made by public Roup to the highest Bidder under such Limitations, Restrictions, and Conditions as to the said General Commissioners shall appear proper: Provided always, that nothing herein contained shall prejudice, alter, or affect the existing Lease of Dung under the said first-recited Act of His late Majesty.

Not to affect the Rights of those entitled to gather Fulzie for their Lands.

CXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to take away or diminish the Right of those entitled by Grants in their Charters from the Magistrates, Council, and Deacons of Trades of *Dundee*, or otherwise by Law, to gather Fulzie upon the Streets of the ancient Burgh of *Dundee*, for the Use of their respective Lands; but it shall be lawful to the said General Commissioners to subject such Persons to such Regulations as the said Commis-

Commissioners may from Time to Time consider necessary for preventing undue Annoyance to the Public in the Time and Manner of executing such Right, or in any other Way in relation thereto: Provided always, that these Regulations shall not subject such Persons to any Restrictions in exercise of their Right which are not also imposed by the said Commissioners, so far as they are applicable, upon the gathering, carrying, and depositing of Fulzie within the Bounds to which this Act extends, by the Persons employed by them for that Purpose, and to the conveying and depositing of such Fulzie after it has been sold; and if by these Regulations such Persons be injured in their private Rights they shall be entitled to a Compensation for the Damage according as the same may be agreed upon or ascertained by the Sheriff Depute or Substitute of the said County; and provided also, that if any such Persons shall apply any such Fulzie to other Lands than those for which they enjoy the Right, or shall sell or dispose of any such Fulzie to others, or otherwise defraud or injure the said Commissioners, every such Person so offending shall for every Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

CXX. And be it enacted, That it shall be lawful to the said General Commissioners, if they find it expedient, to enter into Contracts with the Persons holding Rights to gather Fulzie upon the Streets of *Dundee* for the Use of their respective Lands, or with any One or more of such Persons, for the absolute Disposal or Renunciation of such Rights, or for the Disposal or Renunciation thereof for a Term of Years, and that from Time to Time provided such Person or Persons are willing to enter into such Contract; and it shall be lawful to the said General Commissioners to pay the stipulated Price out of the Monies authorized to be levied for the Purposes of this Act.

Commissioners may contract regarding Dung.

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

No Cattle to be driven on Sunday for slaughter.

CXXII. And be it enacted, That it shall and may be lawful for the Superintendent of Police under this Act, and Officers acting under him, or for any Inspector of Markets appointed or to be appointed by the Magistrates or Town Council of *Dundee*, to apprehend and bring before the Judges of the said Police Court, or any One of them, 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 Inspector of Markets is 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, 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

Punishment of Persons selling unwholesome Meat.

and the said Superintendent and Officers and the said Inspector of Markets respectively 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 Judges or any of them are hereby authorized and empowered to fine the Offenders for each Offence in any Sum not exceeding Five Pounds, and such Beef may be declared forfeited, and sent to such charitable Institution as the said Judges or any of them may direct.

Power to Proprietors of Flats to erect Soil Pipes.

CXXIII. 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 Limits of the said Burgh before described, 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 under Ground 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 the Dean of Guild for erecting such Pipe and making such Communication or Drain, or, if necessary, for cleansing or repairing such Pipe, Communication or Drain; and provided farther, that the Expence and Damage occasioned by erecting and constructing said 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; and the said Dean of Guild shall, upon Application for that Purpose, settle and decern for the Proportion to be defrayed by such Proprietors respectively.

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

CXXIV. 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.

Protection from Gas Pipes.

CXXV. 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 Limits of the said Burgh shall 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 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

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 Person supplying the said Burgh 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 firm 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 said Gas Light Company or Person neglect or refuse to make such Gas Pipes Air-tight within Twenty-four Hours after Notice thereof given to them in Writing) the Sum of Ten Pounds.

CXXVI. 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 Limits of the said Burgh, 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 Persons 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.

To prevent
Escape of
Gas.

CXXVII. Provided always, and be it enacted, That if any Person making Gas, or other Person whatsoever, within the Bounds over which this Act or any Part thereof extends, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of any Gas or other Works into the River or Firth of *Tay*, or into any other River, or into any Brook or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Well, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be soiled, fouled, or corrupted, or shall drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any deleterious Matter whatsoever, into or among the Water of

Penalty on
conveying
Washings
into any
River,
Stream, &c.

[*Local.*]

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the

the said River or Firth of *Tay*, or into any other River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or Well, Drain, Sewer, or Ditch communicating therewith, then and in each and every such Case the Person so offending shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty and Forfeiture shall and may be sued for and recovered by summary Complaint in the Court of Session or Sheriff Court of *Forfarshire*; and such Penalty shall be paid to any Person liable to be assessed under this Act, who shall sue for the same, and when recovered shall, after Deduction of Expences, be applied for the Purposes of this Act; Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or recovered, in case any the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, or deleterious Matter whatsoever, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into the said River or Firth of *Tay*, or any other River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head or Well, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the Person offending, and such last-mentioned Person shall not, within Twenty-four Hours after such Notice shall have been given to him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, or deleterious Matter whatsoever, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Person shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last mentioned Penalty shall and may be sued for, recovered, and applied in like Manner as herein provided with regard to the foresaid Penalty of Two hundred Pounds.

Power to
license
Hackney
Coaches.

CXXVIII. And be it enacted, That the Provost and Magistrates of *Dundee* for the Time being, or any Three of them, shall have full Power and Authority and they are hereby empowered and authorized to license such Number of Hackney Coaches, Landaus, Chariots, or other Carriages for Hire as they from Time to Time shall think proper, the Town Clerks of *Dundee* for the Time receiving the Sum of One Shilling for each Licence, such Licence to continue for Two Years, and to prevent all others not licenced from plying for Hire to or from any Place within the Limits before described forming the said Burgh; 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

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 any of the Judges 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 Sterling 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 said Magistrates such Fine or Penalty shall not be levied.

CXXIX. And be it enacted, That the said 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, and Porters within the Bounds of the Burgh before described, 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 Burgh, not exceeding Seven Miles from the Town House of the said Burgh for Coachmen, and Two Miles from the said Town House for Chairmen, Carters, and Porters; and the said Provost and Magistrates shall have a discretionary Power to grant or refuse such Licences, and to withdraw the same, as they shall see Cause; and no Person other than a licensed Porter or Carter shall take his Stand either on the Harbour or the Streets or at the Market Places of *Dundee*, waiting to be hired, or shall on the Harbour or Streets or at the Market Places of *Dundee* offer himself or apply to be hired as a Carter or Porter within the said Limits to be fixed as aforesaid, under a Penalty not exceeding Ten Shillings for each Offence, and the said Provost and Magistrates are hereby authorized and empowered from Time to Time to repeal and to alter or amend the Rules or Regulations to be made by them as aforesaid, or any of them, and to 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 Provost and Magistrates shall exceed One Pound Sterling 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 Burgh as the said Provost and Magistrates shall appoint, and be renewed when defaced, such Rules and Regulations not being contrary to the Law of *Scotland*, 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.

For regulat-
ing Hackney
Coaches,
&c.

CXXX. And

Penalty on
defrauding
Coachmen,
&c.

CXXX. 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 such 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 Sterling in case the Judge in the Police Court shall think it reasonable and proper in the Circumstances of the Case to award such Penalty.

Brokers, &c.
to be licens-
ed;

CXXXI. And be it enacted, That no Person, other than a Pawnbroker licensed in Terms of Law, shall carry on the Business of Brokers or Dealers 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 under the Hand of any Two of the Judges of Police under this Act, authorizing such Person to carry on such Business, and which Licence the said Judges 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 Clerk of the said General Commissioners at the granting of each Licence and at each Renewal thereof, and the said Clerk shall enter such Licences in a Book to be kept for that Purpose; and it shall be lawful to the said Judges or any of them, 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 recall and withdraw the Licence granted in favour of such Person; and if any Person shall carry on the Business of a Broker or Dealer in second-hand Goods, or shall buy, except for his 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 Sterling for each Offence: Provided always, that it shall be lawful to the Judge by whom each Penalty is awarded to order Part, not exceeding One Half thereof, to be paid to the Informer.

to produce
Goods on
demand;

CXXXII. 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 Pawnbroker and other Brokers and Dealers shall also, when required, produce the
said

to keep
Books, and
enter the
Description
of Articles
pawned;

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 or the Clerk of the Court 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 after 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 those acting under his Orders, on Certificate as aforesaid, shall for every such Offence be fined in a Sum not exceeding Five Pounds Sterling upon Conviction, on a Complaint brought by the said Superintendent before any of the said Judges sitting in the Police Court, without Prejudice to such Persons being also proceeded 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 any of the said Judges sitting 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.

and, if required, to deposit Articles supposed to be stolen.

Certificate of Deposition to be given, if required.

Entries to be made of stolen Goods, taken.

CXXXIII. 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

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

[*Local.*]

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.

Steam
Engines, &c.
to consume
their own
Smoke.

CXXXIV. 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 Limits of the said Burgh, (the Occupier being entitled to Relief from the Owner,) shall, within Six Months after being required, adopt such Method as the said General 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 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 General 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 Sterling; and, under the like Penalty, all such Persons, in case the Method directed by the said General 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 General 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 General 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 Dean of Guild in his own proper Court, on the Application of the Fiscal thereof, or of any Three Householdors 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 Dean of Guild 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.

Commis-
sioners may
take charge
of Fire
Engines
now in use,
and may
purchase
others.

CXXXV. And be it enacted, That it shall and may be lawful to the said General Commissioners and they are hereby authorized and empowered to take and keep under their Charge and Management all the Fire Engines, Pipes, and other Apparatus used within the Bounds of the said Burgh for extinguishing Fires, and belonging to or which have been surrendered or given up to the Management of the Commissioners under the said first-recited Act of His late Majesty King *George* the Fourth, in order to be used for the general Benefit of the Public; and it shall also be lawful to and in the Power of the said Commissioners, and they are hereby

authorized

authorized and empowered, to purchase and procure such other 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 Bounds of the said Burgh; and the Commissioners may make Rules and Regulations for the Government of the Persons so appointed, which they shall be bound to obey under Penalties not exceeding Five Pounds for each Offence.

Appoint-
ment of
Firemen.

CXXXVI. 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 Bounds of the said Burgh 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 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 *Forfarshire*, 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 as aforesaid, shall be recovered by a summary Warrant under the Hand of the said Sheriff, upon the written or verbal Application by the Clerk, Treasurer, or Superintendent 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 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.

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

CXXXVII. And be it enacted, That if any Chimney or Funnel for conveying Smoke, within the Bounds of the said Burgh, 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 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 Chimneys,
&c. take fire
a Penalty to
be paid, and
also a Re-
ward to
Firemen, &c.

CXXXVIII. And

Firemen
and other
Officers to
report all
Fires.

CXXXVIII. And be it enacted, That all the Firemen 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 Bounds of the said Burgh, in order that the Penalties aforesaid may be pursued for and recovered.

A limited
Quantity of
Gunpowder
to be kept in
Houses,
Shops, &c.

CXXXIX. And be it enacted, That no Merchants, Shopkeepers, or Traders, Dealers in Gunpowder, or other private Individuals, within the Limits to which this Act or any Part thereof extends, 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 Twenty-five 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 General Commissioners, but shall deposit and lodge his whole remaining Stock of Powder in the Storehouse or Powder Magazine already provided, or which may hereafter be constructed or provided by the said General Commissioners; and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candle Light 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 Twenty-five 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 besides 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 Gun-
powder.

CXL. 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 Judges of Police under this Act, which Warrant any One of such Judges shall and is hereby required to grant on reasonable Cause shown.

Gunpowder
to be kept
separate
from other
Goods.

CXLI. And be it enacted, That the aforesaid Canisters containing the aforesaid Quantity of Twenty-five 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 of
Five

Five Pounds Sterling to be paid for each Offence by the Occupier of such House, Shop, or Warehouse.

CXLII. And in order to enable the said Commissioners more effectually to prevent the keeping of Gunpowder within the said Bounds 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 *Dundee* 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 within the Time before mentioned; and all Carriers and others bringing Gunpowder by Land to any Part of the Territory over which this Act extends 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.

Ascertainment of Gunpowder imported.

CXLIII. 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.

Not to extend to Gunpowder for the Use of Her Majesty.

CXLIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners, at any Statutory or Special Meeting, to authorize and direct a Gunpowder Magazine to be erected; and for that Purpose to purchase Ground for such Magazine, and to pay the Price agreed to be given therefor out of the Funds to be raised under this Act; and the said General Commissioners are hereby authorized to borrow and take up at Interest, in manner herein provided, any Sum or Sums of Money not exceeding the Sum of One thousand Pounds on the Credit of the Rates or Duties leviable under this Act, to defray the Expence of erecting such Powder Magazine, and until such Magazine is erected to provide a Magazine, on Lease or otherwise, on such Terms as they can conveniently procure the same.

Power given to build a Powder Magazine.

CXLV. And be it enacted, That the Officers of Police, Watchmen, and other Officers of the Law shall apprehend and bring before the Judges of the Police Court under this Act, for Examination, all Vagrants and common Beggars found within the said Burgh or any other Part of the Limits over which the Provisions of this Act or any of them extend; and if such Persons shall have acquired a legal Residence in any Parish in whole or in part within the said Limits then they may be sent to the Parish to which they belong; and if it shall appear that the Persons so

Vagrants and common Beggars to be apprehended.

apprehended do not belong to any Parish within the said Limits, they may be ordered to leave the Territory over which this Act or any Part thereof extends; 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 Territory, they may be apprehended and carried before any of the said Judges; and the Judge before whom they shall be brought may adjudge them to be disorderly Persons, and, as such, may commit them to the Gaol or Correction House of *Dundee* for any Space not exceeding Sixty Days.

Birth in
Tolbooth,
&c. not to
confer a
Right of
Settlement.

CXLVI. And in order that the Number of Persons who may be a Burden on the said Burgh and Parishes within the Limits of this Act may not be improperly increased, be it enacted, That Children born of Parents confined by Authority of this Act in the Gaol of *Dundee* shall not by such their Birth acquire a legal Settlement within the said Limits unless they have in other respects a legal Right to such Settlement.

Keepers of
tippling
Houses may
be required
to find
Security.

CXLVII. And be it enacted, That upon the Complaint of the said Superintendent of Police it shall and may be lawful to the Judges in the said Police Court, and they or any of them are hereby authorized and empowered, to appoint all Persons having Licences for selling Ale or Spirituous Liquors, and who shall be convicted of keeping tippling Houses or other Houses resorted to by riotous or disorderly People within the Limits of the said Burgh of *Dundee*, or the other Territories over which the Provisions of this Act in part extend, 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 Sterling, as they shall judge proper; and in the event of such Security not being found within a reasonable Time to be specified in the Order, it shall and may be lawful for the said Judges, or any of them, to deprive such Persons of their Licences for selling Ale or Spirituous Liquors; and if Persons not possessing any such Licence are convicted of keeping such Houses within any Part of the said Limits, then it shall and may be lawful to any One of the said Judges, and they or any One of them are hereby authorized and empowered, to order such Persons to find Security as aforesaid, and if such Security be not immediately found to sentence them to Imprisonment in the Gaol of *Dundee* for any Period not exceeding Sixty Days.

Licence may
be revoked
in case of
improper
Conduct.

CXLVIII. And be it enacted, That if any Person licensed to sell Ale, Beer, or Spirituous Liquors within the said Burgh of *Dundee*, or other Limits over which the Provisions of this Act in part extend, shall permit or suffer riotous or disorderly Conduct within the Premises occupied by him for vending any such Liquors, 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, and appointed by the Superintendent of Police or Inspector of Lighting and Cleansing, or furnish any Spirituous Liquors to such Person, or to any Person for his Use, during those Hours, it shall be lawful to the Police Court hereby constituted either to deprive such Person of his Licence forthwith, or to ordain him to find Security for his good Behaviour as aforesaid; and in

the

the event of such Security not being found as aforesaid to deprive such Person of his Licence, upon his Failure to find such Security within the Time required.

CXLIX. And be it enacted, That if any Person within the Bounds over which this Act or any of the Provisions of the same extend 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 Person may be apprehended, every Person so offending, upon being lawfully convicted thereof before any of the Judges of the Police Court hereby constituted, shall forfeit and pay a Sum not exceeding Two Pounds for each Offence; and in case of Failure in Payment of such Fine within such Time as the Judge awarding it shall appoint, it shall be lawful to such Judge to order the Person so convicted to be committed to the Tolbooth, there to be employed at hard or continued Labour for any Space not exceeding Sixty Days.

Penalty for
harbouring
Rogues.

CL. 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 any of the Judges 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.

Keepers of
disorderly
Houses may
be required
to report
their
Lodgers.

CLI. And whereas it has frequently happened that Persons keeping Lodging Houses for the Accommodation of Strangers and others within the Bounds to which this Act or Part of the same extends have allowed Persons ill of contagious Fever or other contagious Diseases to remain in their Houses for many Days together, and until they have communicated the Infection to others; be it therefore enacted, That Intimation being given of any Keeper of such Lodging House having suffered any Person to remain Six Days in his House confined to Bed by Illness, without making Application either to the 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 any 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.

Notice to be
given of
Persons ill of
contagious
Diseases.

CLII. And whereas there are many Thoroughfares, Passages, and Closes communicating with different Streets within the Burgh of *Dundee*, as before described, which afford to Offenders ready Means to escape from Justice; be it enacted, That it shall be lawful to the said Commissioners and they are hereby authorized and empowered to place and erect Iron Gates within or upon such Thoroughfares, Passages, or Closes, or any of them, and at such Parts thereof as the said Commissioners shall think proper; and such Gates shall be locked and opened at such Hours and Times, and be kept locked for such Time, as the Superintendent of Police shall

Gates may
be placed on
Closes, &c.

shall direct; and the Keys of such Gates shall be kept by the Officers, Patrol, or Watchmen on the several Stations or by such other Persons as the Superintendent shall direct: Provided always, that it shall not be lawful to the said Commissioners to place and erect any such Gates unless their doing so shall be approved of in Writing by the said Provost, Bailies, and Dean of Guild, or any Two of them; and provided also, that those residing within such Thoroughfares, Passages, and Closes shall have free and uninterrupted Access at all Hours to and from their respective Possessions therein by one or other of the Streets or Passages connected therewith.

Gates not to be injured.

CLIII. And be it enacted, That in case any Person shall wilfully injure such Gates or the Locks thereon, or any thing connected therewith, such Person shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides repairing the actual Damage; and in case any Person shall lock or unlock or otherwise close or open any such Gate, without being duly authorized so to do by some Officer of Police entitled to give Authority, such Person shall forfeit and pay a Sum not exceeding Ten Shillings.

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

CLIV. And be it enacted, That the said General Commissioners shall and may order and direct the Houses, Buildings, Shops, or Warehouses within the Limits of this Act, 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; and any Person 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 Sterling: 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 by the said General Commissioners, and that within Ten Days after the same has been so defaced, under the like Penalty for each Offence.

Provision to be made for disabled Watchmen, &c.

CLV. And be it enacted, That it shall and may be lawful to the said General Commissioners to make suitable Provision, by Pensions or other Allowances, out of the Sums 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

perform his Duty, or losing his Life as aforesaid (although the Superintendent of Police be thereby obliged to engage another Person to supply his Place, which he is hereby authorized to do), 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 General Commissioners, when the special 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 Purposes 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 General Commissioners to order their Collector or Treasurer to pay to the Superintendent, Inspector, or other Persons employed as aforesaid such Sum or Sums of Money as to the said General Commissioners shall seem proper, and to place at the Disposal of the Judges in the Police Court, for the Purposes before mentioned, such Sum or Sums of Money as to the said General Commissioners shall seem proper, such Sum or Sums not exceeding in the whole the Sum of One hundred Pounds Sterling 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.

CLVI. And be it enacted, That if any Person shall entice from his Duty any of the Watchmen, Scavengers, or other Persons employed under the Superintendent or Inspector of Police in executing this Act, or shall entertain or permit or suffer to be entertained in his House any such Watchman, Scavenger, or other Person during his Hours of Duty, or shall furnish or supply any such Watchmen, Scavenger, or other Person, or any Person for his Use, with Spirituous Liquor during his Hours of Duty, every 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 Judge of Police acting for the Time, 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.

CLVII. 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 shall be affixed, or the printed Copies of the same so affixed according to the Directions contained in this Act, he shall, upon Conviction, for each Offence forfeit and pay to the said General Commissioners a Sum not exceeding Five Pounds.

Penalty for defacing Boards on which Bye Laws are affixed.

CLVIII. And be it enacted, That it shall be lawful to the Superintendent of Police under this Act to appoint from Time to Time, for the Districts of *Lochee* and *Broughty Ferry* respectively, as described in this Act, such Number of Officers, Serjeants, Patrolmen, or Watchmen as may be fixed from Time to Time at any Meeting of those liable to be assessed under this Act within these Places respectively, which Meetings shall be

For appointing a Police for the Lochee and Broughty Ferry Districts.

[Local.]

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called

called by the Sheriff Depute of the County of *Forfar*, or in his Absence One of his Substitutes usually holding Courts in *Dundee*, on Requisition of any Five of the Persons liable to be assessed within these Districts respectively, and shall be held in some convenient Place within the District, to be fixed by the said Sheriff Depute or Substitute after such Advertisement, as he shall think sufficient; and at such Meetings the said Sheriff Depute or Substitute, or in his Absence any Person entitled to vote at such Meeting, shall be Chairman, and all Matters and Things brought before such Meeting shall be determined by a Majority of those present and entitled to vote; and the Chairman, in case of an Equality of Votes, shall have a casting Vote, but the Chairman shall not have a deliberative Vote, unless he is for the Time one of the Persons liable to be assessed within the District; and the Officers so to be appointed shall have the same Powers and perform the like Duties as the same Class of Officers under the said Superintendent for the Burgh of *Dundee*, and shall be subject to such Rules and Regulations as shall be made and established from Time to Time by the said General Commissioners or the said Superintendent; and at such Meetings it shall be lawful to make Provision for erecting or procuring in Lease a fit and proper Place as a Lock-up House or Place for the temporary Confinement of Persons apprehended within the District accused or suspected of any Crime or Delict prior to his being conveyed to the Police Office or Gaol of *Dundee*, to be disposed of as by this Act provided.

Expences of
such Police
how to be
paid.

CLIX. Provided always, and be it enacted, That the whole Expences incurred annually in maintaining the Police of the said Districts respectively, in apprehending and detaining Offenders, in bringing them to Trial under this Act, and maintaining them in Prison, including a fair and just Proportion of the Superintendents, Surveyors, Collectors, and Clerks Salaries and incidental Expences and Gaol Assessment for the Year under this Act, as the said Expences shall be annually estimated by the said General Commissioners, shall be defrayed out of the Proceeds of the Assessment upon the said Districts respectively in manner aforesaid.

Boundaries
of Lochee
District.

3 W. 4. c. 65.

CLX. And be it enacted, That for the Purposes specified in this Act the said District of *Lochee* shall be held as comprising the whole Territory locally situate beyond the Limits of the said Burgh of *Dundee*, as before described, but within the Boundaries thereof as described in the Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*, excepting always such Parts of the said Territory as are to the Eastward of the *Strathmartine* Turnpike Road.

Boundaries
of Broughty
Ferry Dis-
trict.

CLXI. And be it enacted, That for the Purposes specified in this Act the said District of *Broughty Ferry* shall be held as comprehending the whole Territory locally situate within the Bounds following; (*videlicet*,) within a Line commencing on the East at the River *Dighty*, and running along the East Margin of that Stream till it crosses the Turnpike Road from *Dundee* to *Arbroath*, thence along the North Side of the said Road, and One hundred Yards to the North thereof, until it reaches the Eastern Boundary of the said Burgh, as before described, thence along the said Eastern Boundary of the said Burgh to the River *Tay*, and thence
along

along the Beach of the said River to where the *Dighty* flows into the same.

CLXII. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act 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 General 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 General Commissioners; and the Monies to be raised by virtue hereof shall be applied and laid out in defraying the Expences of the Police Establishment in its various Branches, and for the other Purposes of this Act, and for no other Purpose whatever.

Rights of Heritable Property, how to be taken.

CLXIII. And be it enacted, That the said Commissioners shall be and they are hereby authorized to purchase, acquire, and take Possession of, and all Bodies Politic or Corporate, Heirs of Entail, Tutors and Curators, Liferenters, Tenants, and Occupiers, and all and every Person or Persons whatever, Owners of or otherwise having Interest in any Property or any Part thereof (though under any legal Disability or Incapacity), are hereby, for themselves and their Successors whatsoever, authorized and empowered to sell, dispo, feu, or convey to the said Commissioners all such Lands, Houses, Tenements, and other Heritages, with all Tacks, Leases, or other Rights affecting the same, or such Part or Parts of the same as may be deemed by the said Commissioners to be necessary for the Purposes of this Act, upon such Price, Recompence, or Consideration being paid or made to the Proprietor or Proprietors, Occupier or Occupiers, or other Person or Persons interested as can be agreed on between them or any of them and the said Commissioners; and such Person or Persons so conveying, transferring, or disposing Property in pursuance of this Act are hereby, for themselves and their Heirs respectively, indemnified for all such Acts and Deeds.

Lands, Houses, &c. required for the Purposes of this Act, may be purchased and sold.

CLXIV. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, *British* Linen Company, Commercial Bank, or National Bank of *Scotland*; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled there-
with

Application of Purchase Money when exceeding 200*l*.

with to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under
200*l.* and
above 20*l.*

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

When under
20*l.*

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

In case of
questionable
Title, Pos-
sessor to be
deemed to
have a Title

CLXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, or Commercial Bank, or National Bank of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of
this

this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court, and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

until the contrary be shown.

CLXVIII. And be it enacted, That where, by reason of any Difficulty or Incapacity of the Person entitled to any Lands or Heritages to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, to be applied in the Purchase of other Lands or Heritages in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, or of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Reinvestment of the Purchase or Compensation Money in Land or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Trustees, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Court may order Payment of Expences.

CLXIX. And be it enacted, That the Provost, Bailies, and Dean of Guild of *Dundee*, and the Sheriff Depute of the County of *Forfar*, or his Substitute, usually holding his Courts within the Limits of the said Burgh, 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 or more of them, as to all Offences committed or Matters arising within the Limits of the said Burgh or Districts of *Lochee* and *Broughty Ferry* respectively, to hear and give Judgment in a summary Manner as herein provided in 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.

Offences punishable under this Act.

Jurisdiction of Police Court in Cases of Nuisance.

CLXX. And be it enacted, That the Police Court hereby constituted shall have Jurisdiction in all Cases of Nuisance arising within the said Burgh 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 Sterling for each Offence.

Commissions by Sheriff to Provost, Bailies, and Dean of Guild.

CLXXI. And be it enacted, That it shall be lawful to the Sheriff Depute of the County of *Forfar* and he is hereby authorized and empowered to grant Commissions to the Provost, Four Bailies, and Dean of Guild of the Burgh of *Dundee* for the Time, and their Successors in Office, as Sheriffs Substitute, to the Effect of enabling them or any One of them to act in every Matter and Thing relating to the Execution of this Act, with the same Powers, Jurisdictions, and Privileges as the Sheriff's Ordinary Substitute of the County has or can exercise in that respect, which Commissions so to be granted shall continue in force to the said Provost, Bailies, and Dean of Guild, and their Successors in Office, until the same be recalled.

Superintendent and Inspector to be Fiscals.

CLXXII. And be it enacted, That in the Police Court to be held under Authority of this Act the Superintendent or Inspector, or in their Absence some other Officer or Officers of Police having special Authority from the said General Commissioners for the Purpose, shall attend as Procurator Fiscal of Court, to bring such Actions as they are hereby authorized and required respectively to bring, and Judgment shall pass at the Instance of the Superintendent or other Officer respectively, for Performance of all and each of the Obligations and for levying and recovering all and each of the Penalties, or enforcing the Punishments by this Act authorized; and the Clerk to the said General Commissioners for the Time, or such other Person as they shall from Time to Time appoint, shall be Clerk of the said Police Court.

Superintendent or other superior Officers in certain Cases may accept Bail.

CLXXIII. And be it enacted, That upon the Apprehension by the Officers of Police of any Person charged with Offences under this Act of a bailable 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 of 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.

All Persons detained in Custody to be taken before a Magistrate.

CLXXIV. 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 one of the Judges of Police in the course of the first lawful Day after they shall be so taken into Custody, to be disposed of as

as the said Judge shall direct, according to the Form of Proceedings under this Act.

CLXXV. And be it enacted, That it shall be lawful to the said Judges in the Police Court, or any of them, to order Prisoners to be detained in the Police Office or the Tolbooth, 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 remanded, to find Caution, &c.

CLXXVI. And be it enacted, That where 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 such 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 Superintendent or Inspector of Police respectively by a Precept to be issued by any of the Judges 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 Defaulter, 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 is 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 any One of the Judges of the said Police Court in the Tolbooth of *Dundee*, for a Space not exceeding Thirty Days; and after the said Imprisonment no farther Procedure against the Cautioner shall be competent on the Bond.

For recovering on forfeited Bonds, &c.

CLXXVII. And be it further 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 in such Terms as the sitting Judge in the Police Court may determine, and if not redeemed shall afterwards be sold or otherwise disposed of in such Manner as the Judge in the Police Court shall direct; and a Book shall be kept in the Police Office, wherein all 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 General and Resident Commissioner under this Act.

Forfeited Pledges on Bail may be redeemed.

Book of Pledges to be kept.

CLXXVIII. 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

Summary Form of

as

Process to be established.

A Record to be preserved; which may include a Statement of Offer of Proof and Refusal of the Judge.

Witnesses incompetent to prove such Offer on the Statement of such Objection, unless refused to be recorded.

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

Regulations for Prisoners.

as possible; be it enacted, That the said Provost of *Dundee* and the Sheriff Depute of the County of *Forfar* shall be and they are hereby authorized and required to adapt the Forms of the said Court of Police accordingly, so as to despatch the Business under this Act in the easiest and most expeditious Manner, without written Pleadings, and without recording the Evidence; and until altered by them the Regulations already in force under the said first-recited Act of His late Majesty King *George* the Fourth 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 or Sentence, certified by the Judge by whom the same is pronounced, or by the Clerk of the Police Court, or his Substitute, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution.

CLXXIX. Provided always, and be it further enacted, That it shall not be competent, in any Suspension or Advocation in the High Court of Justiciary, to adduce Witnesses to establish 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 also offered to be established by such Witnesses that the Prosecutor or Prisoner required such Offer or Proof of legal Objection to Witnesses to be entered on the Record, and that the Judge refused to allow such Entry to be made, and unless such Offer or Objection be stated in a Suspension or Advocation presented to the Clerk of the said High Court within Fourteen Days after the Date of such Judgment; and if it shall appear that the said Judge committed Error in regard to such Offer or Proof or Objection the said High Court shall dispose of the Judgment complained of according to Law.

CLXXX. And be it enacted, That it shall be competent to the said Judges of the Police Court, or any One or more of them, 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 Tolbooth of *Dundee*, for any Period not exceeding Sixty Days; and also to sentence such Person to hard or continued Labour, or to solitary Confinement in such Tolbooth, 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.

CLXXXI. And be it enacted, That upon Imprisonment under this Act of any Offenders in the Tolbooth of *Dundee* such Offenders shall be subject to such Regulations in respect of Labour and Maintenance as shall

shall be established in such Tolbooth under the Authority of Law, unless the Sentence shall contain some special Order relative to the Labour or Maintenance of such Offenders.

CLXXXII. And be it enacted, That it shall be competent to the said Judges of Police, or any of them, 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 Judge acting in the Police Court 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 further Claim which may be competent, whether the Sentence of the Judge acting in the Police Court contains a Reservation to that Effect or not.

Damages may be awarded to the Private Party.

CLXXXIII. And be it enacted, That it shall be competent for the said Judges of Police or any of them, at their Discretion, in lieu and 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 Sterling, 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.

Offenders may be ordained to find Caution.

CLXXXIV. 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 or Firth of *Tay* within the Limits of the Port of *Dundee*; 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 Kind before specified, committed within the said Limits upon any Part of the River or Firth of *Tay*.

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

CLXXXV. 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 Judges 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, 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.

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

CLXXXVI. And be it enacted, That all Forfeitures, Penalties, and Fines not otherwise herein directed to be sued for, imposed, and recovered shall be imposed and recovered in the Police Court in virtue of this Act at the Instance of the Superintendent, and when recovered shall be paid to the Clerk or Superintendent, or Inspector of Police, or such other Person as may be appointed by the General Commissioners to receive the same,

Fines and Damages, to whom to be paid.

[*Local.*]

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and shall be accounted for by him once every Month to the Collector of the Rates and Duties under this Act, 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; and the Clerk of the Court, in case he is not himself appointed to receive the said Monies, and if he be so appointed then the Superintendent and Inspector, are hereby directed to intimate, in Writing, on the First *Monday* of every Month, to the Treasurer to the said Commissioners, or to the Collectors of the Assessments under this Act, as may be directed, the Amount of the Forfeitures, Penalties, and Fines imposed during the previous Month.

On Non-payment of Penalties, the Offender may be imprisoned.

CLXXXVII. 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 Tolbooth of *Dundee* till liberated in manner after mentioned.

Extent of Imprisonment.

CLXXXVIII. 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 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.

Application of Penalties.

CLXXXIX. 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 any Charitable Institutions established in the Town of *Dundee* such Part of the said Penalties, Forfeitures, and Fines, not exceeding Twenty-one Pounds in any One Year, as they may from Time to Time direct; and provided also, that the Expences incurred in alimending Prisoners detained in Custody in the Police Office or Watch-houses, or committed to the Tolbooth under the Authority of this Act, shall be defrayed from the general Funds herein-before authorized to be levied within the said Burgh for the Purposes of this Act so far as not defrayed out of the Proceeds of the Labour of such Prisoners as aforesaid, or from the Assessments leviabie upon the Districts of *Lochee* and *Broughty Ferry* as aforesaid.

Procedure where a high Degree of Punishment is merited.

CXC. 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

to the Tolbooth of *Dundee* for Examination or further Examination, or till further Investigation, or till liberated in due Course of Law; and the Superintendent shall give Notice of such Commitment to the Procurator Fiscal of the said Burgh of *Dundee* or County of *Forfar*, in order that such Person may be farther proceeded against conformably to Law.

CXCI. Provided always, and be it enacted, That if it shall appear, either in the preliminary Investigation of the Charges against 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 Courts, that such Person 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 Sterling, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a Common Thief, or by having been Three Times previously convicted of Theft, or of Reset of Theft to an Amount exceeding Ten Pounds Sterling, 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 Sterling, 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 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 Tolbooth of *Dundee* for Examination; and the said Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the Burgh of *Dundee* or of the County of *Forfar*, in order that such Person or Persons may be proceeded against conformably to Law.

What Crimes not competent to be taken cognizance of in Police Court.

Superintendent to give Notice of Detention to Procurator Fiscal.

CXCII. 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 Tolbooth, 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 a 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 Tolbooth for any further Period not exceeding Ten Days.

Persons found guilty of petty Offences may be confined in the Police Office.

CXCIII. And

In Cases of Theft, the Complaint and Conviction shall state that the Value of Articles stolen did not exceed Ten Pounds.

CXCIII. 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 Conviction 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 Sterling; 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 exceeding in Value the Sum of Ten Pounds Sterling.

Expences of Process may be decreed for.

CXCIV. And be it enacted, That in all Cases it shall be lawful for the Judges of Police, or for the said Sheriff Depute 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 Depute or 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.

No Appeal to the Sheriff Depute from Sentences of his Substitutes, nor Stay of Execution.

CXCV. And be it enacted, That no Appeal shall lie to the Sheriff Depute of the County from Sentences pronounced by his Substitutes 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 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 Tolbooth of *Dundee* 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, to seek Redress in common Form; and in all Cases of Prosecution under this Act at the Instance of the Superintendent of Police or of the Inspector of Lighting and Cleansing it shall and may be lawful for the Judge whose Sentence has been brought under Review by another Court to authorize the Expences incurred in the Proceedings in such other Court to be defrayed out of the Assessments herein authorized to be levied within the Burgh of *Dundee* or the Districts of *Lochee* and *Broughty Ferry* respectively, according as the Case shall have arisen within such Burgh or one or other of such Districts: Provided always, that at the First Meeting of the said General Commissioners after any such Sentence shall have been brought under Review as aforesaid the said Superintendent or Inspector respectively shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been

Redress reserved.

In case of Review of Sentence.

been pronounced and brought under Review; and the said General 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 General Meeting shall be defrayed out of the Assessments herein authorized to be levied.

CXCVI. 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 Three Calendar Months after the Offence complained of shall have been committed. Limitation of Period of Complaint.

CXCVII. And be it enacted, That no Suit or Action shall be commenced against the said Commissioners, or any Person employed in the Execution of this Act, for any thing done in pursuance thereof, after Six Calendar Months after the Fact committed or Cause of Action occurred for which such Suit or Action shall be brought, and the Defenders in such Suit or Action may produce and plead this Act in Justification; and if it shall appear that they have acted agreeably thereto they shall be assoilzied or acquitted, and Treble Costs shall be awarded to be paid to them by the Prosecutor of such Suit or Action. Limitations of Actions against Persons employed under the Act.

CXCVIII. And be it enacted, That no Person shall be deemed incompetent to give Evidence in any Case under this Act by reason only of such Person being a Commissioner, or liable to be assessed or employed in any Office under this Act. Commissioners, &c. not incompetent Witnesses.

CXCIX. And be it enacted, That nothing in this Act contained shall annul, alter, or affect, or be so construed as to annul, alter, or affect any of the Provisions or Enactments in the said Act passed in the Eleventh Year of His late Majesty King *George* the Fourth, intituled *An Act for more effectually maintaining, improving, and extending the Harbour of Dundee in the County of Forfar*, and in the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty for more effectually maintaining, improving, and extending the Harbour of Dundee in the County of Forfar*, or in either of the said Acts, all which Provisions and Enactments shall remain in full Force and Effect, any thing in this Act to the contrary in anywise notwithstanding; and the Police Court hereby constituted, and the Police Court constituted by the said last-mentioned Act, shall have and possess a cumulative Jurisdiction in all Cases of Crimes or Offences committed within the Precincts of the said Harbour, and in their Nature cognizable equally in either of the said Courts. Saving Harbour Acts.
11 G. 4.
c. 119.
6 W. 4.
c. 32.

CC. And be it enacted, That an Act passed in the Third and Fourth Years 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 Operation of the present Act, any thing in the said recited Act to the contrary notwithstanding. General Police Act not to extend to this Act.

Expences of
this Act.

CCI. And be it enacted, That the Expences incurred in preparing, applying for, and obtaining this Act, with the legal Interest of such Expences, shall be defrayed from the Funds to be raised by the said General Commissioners; and in order to discharge such Expences and Interest the said General Commissioners shall and they are hereby authorized and empowered to borrow such Sums of Money as may be necessary for that Purpose, and to raise, by Assessment on all and every Persons and Person herein-before authorized to be assessed, the Sums that may have been paid on account of such Expences, but so as that such Assessment shall not exceed in any One Year One Penny Sterling in the Pound of the aggregate yearly Rent or Value of all the Premises within the Bounds to which this Act extends, occupied or possessed by the Person assessed, ascertained in manner aforesaid, and that over and besides the other Assessments authorized by this Act; and the said Commissioners shall apply the Money arising by such Assessments in payment of the Sums to be borrowed as aforesaid, and such Assessment shall be continued until such Expences and Interest be fully paid; and the said Assessment shall be recovered and made effectual along with and in the same Manner as is provided with regard to levying the other Rates and Assessments herein authorized to be assessed and levied.

Officers of
the Law to
assist in
executing
this Act.

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

Public Act.

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

Commence-
ment and
Endurance
of this Act.

CCIV. And be it enacted, That this Act shall commence on the Seventh lawful Day after the passing thereof, and shall thereafter continue in force for the Space of Fifteen Years, and from thence to the End of the next ensuing Session of Parliament.

SCHEDULE (A.)

(By Order of the General Commissioners of Police.)

To
 TAKE NOTICE, That the Police Assessment due by you for Property in your Occupation from Whitsunday to Whitsunday, or some Part of said Year, as under noted, is payable at this Office within from this Date, and unless Payment shall be made within the said Period you will be proceeded against in Terms of the Statute.*

(Signed)
 Dundee _____

Treasurer.

Description of Property.	Where situate.	Rent.			Rate of Assessment.		
		£	s.	d.	£	s.	d.
Dwelling House -							
Shops, Breweries, Manufactories, Cellars, Vaults, &c. used by yourself -							
Ditto as Member of a Copartnery -							
Total Assessment -							

* If due Attention is not paid to this Notice it is provided by the Police Act that Warrant may be granted to seize and take Possession of the Goods and Effects of any Person refusing or neglecting to make Payment of the Rates within the Time specified in the above Notice; and if the same be not paid, together with the Costs and Charges, upon Presentment of the Warrant, the Treasurer may direct a Seizure to be made of the Goods and Effects of the Persons refusing or neglecting to pay; and if Payment is not made within Four Days after such Seizure then the Collector may sell the Goods so seized by public Roup.

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