



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 36.

An Act to continue and render more effectual Two Acts passed in the Thirty-third Year of His late Majesty, and the Twenty-second Year of His present Majesty, for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling, on every Scots Pint of Ale or Beer brewed for Sale, or vended within the Town and Parish of *Dalkeith*; for paving, cleaning, and lighting the Streets of the said Town; and for erecting a New Publick Market therein.

[16th May 1804.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of his late Majesty King George the Second, intituled, *An Act for laying a Duty of Two Pennies Scots, or One-sixth Part of a Penny Sterling, on every Scots Pint of Ale, Porter, or Beer brewed for Sale, or vended within the Town and Parish of Dalkeith*: And whereas another Act was passed in the Twenty-second Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and Powers of an Act made in the Thirty-third Year of the Reign of His late Majesty, King George the Second, intituled, 'An Act for laying a Duty of Two Pennies Scots, or one Sixth Part of a Penny Sterling, on every Scots Pint of Ale, Porter, or Beer, brewed for Sale, or vended within the Town and Parish of Dalkeith*:' And whereas the Trustees appointed in or by virtue of the said Acts, have caused the said Duty to be regularly collected and applied in repairing and lighting the Streets of the said Town, and supplying the Inhabitants thereof with Water, and for other Public Services for the Benefit of the said Town; but the same cannot be fully accomplished unless the said Duty, now near expiring, be continued for a further Time: And whereas there has been long established, in the said Town, a public Market for Corn, Cattle, and all Sorts of Produce, which has been hitherto held in the principal or High Street, to the great Annoyance

[Loc. & Per.]

Former Acts
continued.

noyance of the Inhabitants, and Persons resorting thereto; and it would greatly promote their Ease and Comfort, and encrease the Trade and Prosperity of the said Town, if Powers were given to remove the Public Market from the said Street, to purchase Ground, and to erect thereon Market Places and Buildings for the sale of Corn, Cattle, Meal, Butchers' Meat, Fish, Vegetables, and all other Provisions and Commodities, and to regulate the said Market Places, and the Conduct of Persons using the same; and if further and other Powers were given to the said Trustees, for paving, repairing, cleaning, and lighting the said Streets, and removing all Obstructions and Nuisances therefrom, and from the Lanes and Passages in the said Town and Parish: May it therefore please your Majesty, That it may be enacted, and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Imposition or Duty chargeable and made payable by the said Act of the Thirty-third Year of the Reign of his late Majesty King *George* the Second, upon all Ale, Porter, or Beer, brewed for Sale, or vended within the said Town and Parish of *Dalkeith*, shall, from and after the Expiration of the said Act of the Twenty-second Year of the Reign of His present Majesty, be further continued, raised, levied, collected, and paid to the Trustees hereinafter named for the further Term hereinafter mentioned, and be applied for paving, repairing, cleaning, and lighting the Streets of the said Town, and supplying the Inhabitants with Water, for purchasing Ground, and erecting Public Markets thereon, and for other public Services for the Benefit of the said Town, and that the said Duty shall be levied and received by the same Powers and Authorities, and according to the same Rules, Methods, and Directions, and under the same Penalties and Forfeitures as are prescribed, mentioned, and expressed in the said first recited Act; and that the said Act, and every Article, Rule, Clause, Matter, and Thing therein contained, shall be of full Force and Effect, to all Intents and Purposes, for raising, collecting, securing, and levying the said Duty within the said Town and Parish, and for the other Purposes therein, and herein mentioned, for and during the said new and additional Term hereby granted, as fully as if the same were particularly and at large repeated, expressed, and contained in the Body of this present Act, except in so far as the said first recited Act is hereby altered, explained, and amended.

New Trustees appointed.

II. And be it enacted, That from and after the passing of this Act, *William Tait* Esquire, of *Pirn*, Chamberlain of the Lordship of *Dalkeith*, or the Chamberlain thereof for the Time, *John Alvas* Esquire, *Hector Dickeson*, *David Crichton*, *John Wilson*, *Alexander Briggs*, *William Otto*, and *Charles Elliot*, Merchants; *Charles Saunderson* Builder, *David Hutcheson* of the Iron-Mill, *Samuel Watson* and *James Cleghorn* Portioners, *Hugh Watson* Writer to the Signet, *Ebenexer Bell* Rector of the Grammar-School, and *Walter Smith* Saddler in *Dalkeith*, shall be, and they are hereby appointed Trustees for managing, conducting, and carrying on the public Works and Services by the said first recited Act, and this Act, directed to be made or done in the said Town and Parish of *Dalkeith*, and for levying, collecting, and receiving the said Duty, with the same Powers and Authorities, and subject to the same Rules and Regulations, as the Trustees appointed by the said first recited Act.

III. And

III. And be it enacted, That before any Ale, Porter, or Beer, shall be sent into the said Town or Parish of *Dalkeith*, the Brewer, or Person sending the same, shall give Twenty-four Hours Notice in Writing to the Collector of the aforesaid Duty, of the Time when any such Ale, Porter, or Beer, is intended to be so sent, and the Quantity thereof; and after giving such Notice, shall send along with the Cart, or other Carriage conveying such Ale, Porter, or Beer, a Certificate, specifying his Name and Place of Abode, the Name and Place of Abode of the Person to whom the same is intended to be delivered, and the Quantity thereof: And if any Ale, Porter, or Beer, shall be sent into the said Town or Parish, without the Duty being paid, or Notice given as aforesaid, it shall be lawful for the Collector or Collectors of the said Duty, or any other Person authorised by the said Trustees, or any Three or more of them, to seize such Ale, Porter, or Beer, and the Bottles, Barrels, or other Vessels containing the same, and also the Horse or Horses, and Cart, or other Carriage conveying the same; and such Ale, Porter, or Beer, with the Bottles, Barrels, and other Vessels, are hereby forfeited to the said Trustees, who shall sell and dispose thereof, and apply the Produce to the Purposes of the said first recited Act, and this present Act.

For preventing Ale, &c. being sent into the Town, without giving Notice.

IV. And be it enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, to cause common Sewers, Drains, and Water Courses, to be made in the said Town and Parish, and to be conducted through any Court, Close, Lane, Yard, or other Place which shall be most convenient for carrying off the stagnated Water or Filth from the Streets; the said Trustees paying the Proprietor or Proprietors of such Court, Close, Lane, Yard, or other Place, the actual Damage thereby incurred.

Common Sewers may be made.

V. And be it enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, at all Times, to contract with or employ Scavengers, or other Persons, to clean and sweep the Streets, Lanes, Closes, and other Avenues and Places, in and about the said Town (excepting the Foot Pavements, which are to be cleaned and swept in manner hereinafter directed), such Lanes, Closes, and Places, being public Thoroughfares, and belonging to, or inhabited by, more than one Person or Family; and to order to be removed and carried from thence all Soil, Dirt, Ashes, and Filth, to such Place and Places as they shall appoint: And that it shall and may be lawful for them to sell or dispose of such Soil, Dirt, Ashes, and Filth, and to apply the Produce to the Purposes of the said first recited Act, and of this present Act.

Scavengers may be employed to clean the Streets.

VI. And be it enacted, That all and every Persons and Person, who shall occupy the first Floor, and, if not occupied, then the Occupiers of the upper Floors of any Tenement, Dwelling-House, Warehouse, Cellar, Shop, or other Building adjoining to or fronting the Foot Pavements made, or to be made in the said Town and Parish, shall cause the Pavement along the Front of their respective Premises to be swept, scraped, and cleaned once every Day (Sundays excepted), between the Hours of Six and Nine in the Morning; and if they fail so to do, it shall be lawful for the said Trustees, or any Three or more of them, to order such Occupiers to pay a Sum, not exceeding One Shilling Sterling for each Offence; and in Case any Dispute shall arise among

Occupiers of Houses to clean Foot Pavements.

among such Occupiers, relative to such Sweeping, Scraping, and Cleaning, the said Trustees, or any Three or more of them, shall determine the same summarily; and where any of the said Occupiers shall sweep, scrape, and clean such Foot Pavements, he, she, or they shall have Relief against all the other Occupiers of the several Floors of such adjoining or Front Houses, Warehouses, and Buildings, for a Proportion of the Expence of so doing, corresponding to the Rents of their respective Premises; which Proportion shall, in case of Dispute, be determined summarily by the said Trustees, or any Three or more of them.

Penalty for drawing Sledges, &c. on Foot Pavements.

VII. And be it enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to be carried, run, driven, or drawn on any of the said Foot Pavements, any Sledge, Wheelbarrow, Wheel or Wheels, Coach, Waggon, Cart, or Carriage whatsoever (except directly across the same on necessary Occasions), or shall wilfully ride, lead, or drive any Horse, Ass, Mule, Beast, or other Cattle (except directly across the said Foot Pavements, to or from Stables or Cow-Houses), upon any Part of the said Pavements, or shall throw, cast, or lay thereon any Dirt, Dung, Ashes, or Rubbish (except in Time of Frost), or roll, carry or convey any Barrel, Hoghead, or Cask upon the same, for any Distance whatsoever (except directly across to or from Cellars, Shops, or Warehouses), or shall roll any such Barrel, Hoghead, or Cask upon any of the public Streets, Lanes, or Places of and in the said Town (except from Shops, Cellars, Warehouses, or other Places, directly to Carts, or other Carriages, upon which they are to be loaded, or from Carts, or other Carriages, on which they have been loaded, directly to such Shops, Cellars, Warehouses, or other Places, not exceeding Thirty Yards of Distance in any Case), it shall and may be lawful for any Person or Persons, who shall see any such Offence committed, to seize, and for any Person or Persons to assist in seizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey and deliver him, her, or them, to the Custody of a Peace Officer, to be secured or carried before the said Trustees, or any Three or more of them; which Person or Persons so offending shall, on being convicted of the Offence, either by Confession, or by the Oath of One or more credible Witnesses or Witnesses, forfeit and pay any Sum not exceeding Two Shillings Sterling, for each and every Offence, over and above paying the Damage, if any, and Expences, as fixed by the Trustees, or any Three or more of them.

Persons wheeling Dung over Foot Pavements to clean the same.

VIII. And be it enacted, That every Person or Persons carrying or wheeling, or causing to be carried or wheeled, any Dung, Dirt, or Ashes into the Streets over the Foot Pavements, shall sweep, scrape, and clean, or cause to be swept, scraped, and cleaned, those Parts of the Foot Pavements over which such Dung, Dirt, or Ashes, shall have been carried or wheeled, immediately after having finished carrying or wheeling the same, under a Penalty not exceeding Two Shillings Sterling for each Offence.

Water to be conveyed from the

IX. And be it enacted, That the Water from the Roofs of all Houses or other Buildings within the said Town, fronting the publick Streets, and such Lanes and Passages as are Thoroughfares to the publick Streets, shall be

be conveyed in Lead, or other Pipes, reaching within Six Inches of the Ground, and affixed on the Sides and Fronts of such Houses and other Buildings; and in case the Proprietors of such Houses and Buildings shall not so convey the Water therefrom, the said Trustees, or any Three or more of them, after inspecting the Premises, and hearing the Parties, may in a summary Manner adjudge them so to do within a specified Time, and if they refuse or neglect, the said Trustees, or any Three or more of them, may order the same to be done, and the Expence thereof to be paid by the Proprietor or Proprietors, with such Fine for Contempt, not exceeding One Pound Sterling, as the Circumstances of the Case may appear to them to require.

Roofs of
Houses in
Pipes.

X. And be it enacted, That where such Houses or other Buildings shall belong to more Proprietors than one, the several Proprietors shall defray the Expence of making, affixing, and keeping in Repair the said Pipe or Pipes, in proportion to the Rents of their respective Premises; and in case any Dispute or Difference shall arise, the said Trustees, or any Three or more of them, after inspecting the Premises, and hearing the Parties, shall determine the same summarily, and direct such Expences to be paid, as the Case may appear to them to require.

How the
Expence
thereof shall
be defrayed,
where such
Houses be-
long to more
than one
Proprietor.

XI. Provided always, and be it enacted, That where any One or more of the said Proprietors is or are, by his, her, or their Title Deeds, burthened with the Expence of conveying the whole Water from such Houses or other Buildings, he, she, or they shall continue to be subjected to that Burthen; but it shall and may be lawful for him, her, or them (upon obtaining an Order for that Purpose from the said Trustees, or any Three or more of them, after inspecting the Premises), at his, her, or their own Expence, to affix, or cause to be affixed, to the Part or Parts of the Walls of such Houses or Buildings belonging to the other Proprietor or Proprietors a Pipe or Pipes for conveying the said Water, he, she, or they indemnifying such other Proprietor or Proprietors for any Damage he, she, or they may thereby sustain, as the same shall be ascertained by the Trustees, or any Three or more of them.

Provido as to
certain Pro-
prietors.

XII. Provided also, and be it enacted, That when the Tenants or Occupiers of such Houses or Buildings shall, in Default of the Proprietors performing the same, be at any Expence in conveying the Water from the Roofs of their respective Premises (which they are hereby authorized and required to do to the Amount of the Rent or Rents payable by them respectively), they may and are hereby authorized and empowered to deduct and retain the Charges and Expences incurred by them respectively out of the Rent or Rents due or to become due to his, her, or their Landlord or Landlords, who is and are hereby directed and required to allow the same in the Settlement or Payment of such Rent or Rents; any Agreement, Lease, or Contract to the contrary notwithstanding.

Provido as to
Occupiers.

XIII. And be it enacted, That it shall and may be lawful for, and in the Power of, the said Trustees, or any Three or more of them, by an Order under their Hands, after inspecting the Premises, and hearing the Parties concerned, at their own Expence, to cause to be removed and taken away, all Outside Stairs, Buildings, Erections, and other Things whatsoever, which tend to obstruct a free Passage in, through, and upon the

Trustees may
order Outside
Stairs, &c. to
be removed;

[Loc. & Per.]

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High-

Highways, Streets, Lanes, Passages, and other Parts, of and in the said Town.

and also
Signs, &c.

XIV. And be it enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, to cause to be removed and taken down all Signs, Sign-Posts, Boards, Water Barges, Sheds, Dyers', Scowerers', and Barbers' Poles, or any other Pole or Projection upon or hanging over any of the said Foot Pavements, Streets, Lanes, or Passages, and that all Signs and Sign Boards shall be placed or affixed close on or flat to the Walls or Fronts of the Houses, Shops, Warehouses, or other Buildings whereunto they respectively belong; and if any Person or Persons shall, from and after the passing of this Act, hang, place, or erect, or cause to be hung, placed, or erected, any Sign, Sign-Post, Pole, or other Projection, Obstruction, or Annoyance whatever, contrary to the Meaning of this Act, it shall be lawful for the said Trustees, or any Three or more of them, to order the same to be removed and taken away, and such Person or Persons to pay a Sum not exceeding Two Shillings and Sixpence Sterling for every Offence, besides the Expence attending the Removal thereof; and the Procedure thereanent.

No Trade to
be exercised,
or Goods
placed for
Sale, &c. on
the Streets or
Foot Pavements;

XV. And be it enacted, That it shall not be lawful for, nor in the Power of, any Person or Persons to exercise or carry on any Trade or Occupation in the publick Streets, or on the Foot Pavements of the said Town, nor to place or bring out upon the same, either on Stalls or otherwise, or unnecessarily to let remain thereon, any Goods, Commodities, Provisions, or other Things whatsoever for Sale, Shew, or any other Purpose; and every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Shillings Sterling, and shall remove such Goods, Commodities, or other Things from the said Streets or Foot Pavements; and if the said Penalty or Penalties shall not be immediately paid, and the Goods, Commodities, or other Things removed, it shall be lawful for the said Trustees, or any Three or more of them, to cause such Goods, Commodities, or other Things, to be removed and deposited in such Place or Places as they shall direct, there to remain until the Offender or Offenders shall have paid the Penalty or Penalties, with the Expences attending the Removal and Depositing thereof: Provided always, That if the said Goods, Commodities, or other Things, are of a perishable Nature, they shall be sold within Five Days after their Seizure; and after deducting from the Price, the Penalty or Penalties, with the Expence of Removal and Sale, the Surplus (if any) shall be paid to the Owner or Owners.

or Flower-
Pots-set on
Windows,

unless railed
in.

XVI. And be it enacted, That it shall not be lawful for, nor in the Power of, any Person or Persons to set or place upon the Outside of any Window or Projection of any Building fronting any of the said Streets, Lanes, Clofes, or Passages, any Flower-Pots or Boxes, either for preserving or raising any Flowers, Shrubs, or other Plants or Vegetables, or any other Article whence Danger may arise by falling, unless the Soles and Out-sides of the Windows or Projections on which such Pots, Boxes, or other Things are placed, be sufficiently railed in and secured with good and substantial Rails of Iron or Wood, in order to prevent the Risk of the said Pots, Boxes, or other Things falling upon the Streets, Lanes, or Passages; and every Person so offending shall forfeit and pay any Sum not exceeding Five Shillings Sterling for every Offence, and shall also pay Five Shillings Sterling

sterling, for every Week which such Pots, Boxes, or other Things shall be allowed to remain; and it shall be in the Power of the said Trustees or any Three or more of them, to order such Pots, Boxes, or other Things, to be directly removed at the Expence of the Person or Persons by whom they shall be so set or placed.

XVII. And be it enacted, That the said Trustees, or any Three or more of them, may order the Lamp Irons and Lamps to be fixed in the Walls of the Buildings on the Sides of the Streets, Lanes, and Passages in the said Town, upon indemnifying the Proprietors or Occupiers for any Damage which shall be ascertained to be thereby done to such Buildings.

Lamp Irons may be fixed in the Walls of Buildings.

XVII. And be it enacted, That if any Person or Persons shall wilfully break or throw down any Lamp or Lamps, which now are or hereafter shall be set up in the said Town and Parish, 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 any such Offence committed, to seize, and also for any other Person to assist in seizing the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of a Peace Officer, in order to be secured and conveyed before the said Trustees, or any Three or more of them; and if the Party or Parties accused of such Offence, whether so apprehended or afterwards cited for the same, shall be convicted thereof, either by his, her, or their own Confession, or by legal Evidence, according to the Law of Scotland, such Offender or Offenders shall forfeit and pay any Sum not exceeding Two Pounds Sterling for the first Offence, Three Pounds Sterling for the second Offence, and Five Pounds Sterling for the third, and every subsequent Offence, and moreover shall make Satisfaction for the Damages done.

Penalty for breaking Lamps wilfully.

XIX. And be it enacted, That in Case any Person or Persons shall accidentally break, throw down, or damage any of the said Lamps, or the Irons or Appurtenances thereof, it shall and may be lawful for the said Trustees, or any Three or more of them, to award such Sum or Sums of Money in Satisfaction for such Damages, as they shall think reasonable, provided such Sum or Sums of Money shall not exceed the real Damage sustained by such Accident, besides the Expences incurred for recovering the same; and in case of Neglect or Refusal of such Person or Persons to pay such Sum or Sums of Money so awarded, within One Day after the same shall be demanded, to cause the Amount to be levied in Manner hereinafter mentioned.

Satisfaction to be made when the same shall be done accidentally.

XX. And be it enacted, That the said Trustees, or any Three or more of them, may order and direct the Houses, Shops, Warehouses, and other Buildings within the said Town, to be numbered with Figures, to be placed or painted on the Door, or other conspicuous Part thereof, and to be painted or otherwise inscribed on a conspicuous Part of any House or Building at or near the End or Corner of each Street, Lane, Passage, or Place, the Name of such Street, Lane, Passage, or Place; and any Person or Persons who shall wilfully 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, nor less than Ten Shillings

Trustees may order Houses to be numbered, &c.

Penalty for defacing Numbers of Houses and Names of Streets.

lings Sterling; but if accidentally done, shall only be liable to replace the same under a Penalty of Five Shillings Sterling.

Regulations as to Gunpowder.

XXI And be it enacted, That no Person shall keep in any House, Shop, Cellar, Warehouse, or other Apartment within the said Town, more than Forty Pounds Weight of Gunpowder; but shall carry all Gunpowder exceeding that Quantity, to such Magazine or Place as may be provided and appointed by the said Trustees; and that every Person so offending, shall forfeit and pay a Sum not less than One Pound, nor more than Five Pounds Sterling, besides forfeiting all such Gunpowder.

How Gunpowder allowed to be kept shall be secured.

XXII. And be it enacted, That the said Quantity of Gunpowder allowed to be kept in any House, Shop, Cellar, Warehouse, or Apartment, shall be deposited in a Place by itself, secured by Lock and Key, under a Penalty not exceeding One Pound Sterling, besides forfeiting the Gunpowder.

Proviso as to Gunpowder kept by Commanding Officers of his Majesty's Troops.

XXIII. Provided always, That it shall be lawful for, and in the Power of the Commanding Officer of any of His Majesty's Troops at any Time quartered in the said Town, to keep in such Place or Places within the same as shall be appointed by the Trustees, any Quantity of Gunpowder he may think necessary for exercising such Troops, or for other Military Purposes.

Trustees may remove the present Market, and purchase Grounds for erecting new Market Places, &c.

XXIV. And be it enacted, That it shall and may be lawful for the said Trustees, or a Majority of them present at any General Meeting, to be held for carrying the said first recited Act, and this present Act into Execution, and they are hereby authorized and empowered, to order the Public Market held in the High Street, and the present Butcher Market and Slaughter-Houses of the said Town, to be removed, to purchase Grounds situated within the said Town or Parish for erecting Market Places and Buildings for the Sale of Corn, Cattle, Meal, Butchers' Meat, Fish, Vegetables, and all other Provisions and Commodities; and for building Slaughter-Houses, a Weigh-House, and a Gunpowder Magazine; and to regulate the Weights and Measures used in the said Town and Parish; and also to make, ordain, and establish Rules and Orders for the better regulating all and each of the said Markets and Places, and the Conduct of Persons using the same; and from Time to Time, as Occasion may require, to repeal, add to, and alter such Rules, Orders, and Regulations, provided that they are not contrary to the said first recited Act, and this Act, and to the Law of *Scotland*, and shall be printed and put up in some conspicuous Place in the said Markets and Places, and renewed when necessary, for the Information of Persons resorting thereto.

XXV. Provided always, and be it enacted, that the Quantity of Ground to be purchased shall not exceed Five Acres; and the Money to be expended for the Purposes of this Act shall not exceed the Sum of Seven thousand Pounds Sterling in all Events.

The Springs, Grounds, Buildings, &c. vested in the Trustees;

XXVI. And be it enacted, That the Use of the Springs and Fountains, and the Property of the Cisterns, Pipes, and other Conductors and Erections, and of the Lamps, Lamp Posts, and Irons, and all and every the Grounds, Houses, Buildings, Erections, and other Matters and Things acquired and purchased, and to be acquired and purchased, or erected or made, and to be

be

incurred for the Recovery thereof, shall be sooner paid and satisfied; but where such Penalties shall exceed the said Sum of Fifteen Shillings they shall, upon Conviction of the Offender or Offenders, by his, her, or their own Confession, or by the Oath of One or more credible Witnesses or Witnesses, or other legal Evidence, if not immediately paid, be recovered and levied by Entry, Distress, and Sale, as aforesaid; and if sufficient Goods, Chattels, and Effects, shall not be found, it shall and may be lawful for the said Trustees, or any Three or more of them, to apply to the said Baron Baillie, or Justice of the Peace, for a Warrant to commit such Offender or Offenders to the said Jail, therein to continue for any Time not exceeding Two Calendar Months, unless the Sums so decreed for, together with the Costs and Charges incurred for Recovery thereof, be sooner paid and satisfied: And that it shall and may be lawful for the said Trustees, or any Three or more of them, to mitigate the said Fines and Penalties to any Amount not exceeding One Half; and the whole of the said pecuniary Penalties and Forfeitures shall, after deducting the necessary Charges of Recovery, be applied to the Uses and Purposes of the said first recited Act, and this Act.

May be mitigated.
Application thereof.

Limitation of Actions for Penalties.

XXXI. And be it enacted, That the Forfeitures and Penalties, which may be imposed by Virtue of the said recited Acts, or this present Act, in case Actions for the Recovery thereof be not commenced within Three Calendar Months from the Time the Facts, by which they may be incurred, have been committed, shall cease to be of any Effect; and the Person or Persons who shall have so offended, shall not thereafter be liable for such Forfeitures or Penalties.

Farther Limitation of Actions.

XXXII. And be it enacted, That no Suit or Action shall be commenced against the said Trustees, or any other Person or Persons, for any Thing done in Pursuance of the said recited Acts, or this present Act, after Three Calendar Months from the Time the Fact is committed; and the Defendant or Defendants, in any such Suit or Action, may produce the said Acts, and this Act, and plead that the said Things were done by Authority, and in Pursuance thereof; and if it shall appear so to be done, that then the Defendant or Defendants shall be absolved from such Suit or Action, and shall have treble Costs and Expences, in the Defence thereof, awarded to him, her, or them, from and against the Prosecutor or Prosecutors of the same.

Trustees may administer Oaths.

XXXIII. And be it enacted, That in all Cases where Cognizance is given to the said Trustees, by the said first recited Act, or this Act, it shall be lawful for them, or either of them, to administer an Oath to any Person or Persons, for their or his more certain Information in the Matter or Matters which shall be then depending.

New Overseers appointed.

XXXIV. And be it enacted, That from and after the passing of this Act, The Right Honourable *Charles William Montagu Scott*, commonly called Earl of *Dalkeith*, The Right Honourable *William Ker*, commonly called Earl of *Ancrum*, The Honourable *Robert Dundas*, of *Melville*, *Robert Dundas*, of *Arniston*, Esquire, Lord Chief Baron of the Court of Exchequer in *Scotland*, *John Wauchope*, of *Edmonston*, Esquire, Colonel *John Wauchope*, the younger, of *Edmonston*, *James Clerk*, of *Chesterhall*, Esquire, and the Representative in Parliament for, and the Sheriff Depute of, the County of *Edinburgh*

Edinburgh, for the Time being, shall be, and they are hereby appointed Overseers of the said Duty, granted by the said first recited Act, and further continued by this present Act, with the same Powers and Authorities, and subject to the same Rules and Regulations, as the Overseers appointed by the said recited Act.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to abridge, alter, innovate, or change the Rights of *Henry Duke of Buccleuch*, or of his Heirs and Successors, to any ancient Duties or Customs acquired by Charter, or otherwise vested in him or them, within the said Town and Lordship of *Dalkeith*, nor the Rights of the Baron Baillie thereof; but that the said Rights shall continue in full Force, and have the same Effect as if this Act had never been made.

Saving Rights of the Duke of Buccleuch, and the Baron Baillie of Dalkeith.

XXXVI. And be it enacted, That the Expence of passing this Act shall be paid out of the Duty granted and continued by the said recited Acts and this present Act.

Expence of this Act how to be paid.

XXXVII. And be it enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, and their Officers, and all other Executors of the Law whomsoever, are hereby required to aid and assist in putting the said first recited Act, and this present Act, into due and effectual Execution: And that this Act shall be deemed and taken Notice of in all Courts of Law and Equity as a Public Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such accordingly, without specially pleading the same.

Sheriffs, &c. to assist in putting Acts into Execution. Public Act.

XXXVIII. And be it further enacted, That the said recited Acts, and this Act, in so far as the same relate to levying and collecting the said Duty, shall continue in Force for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and that all the other Parts thereof shall be perpetual.

Duration of Acts.

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