



ANNO QUINQUAGESIMO SEXTO

GEORGI II. REGIS.

Cap. xxxvii.

An Act for enlarging the Term and Powers of several Acts for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling, upon every Pint of Ale or Beer vended or sold within the Town of *Montrose*, and Privileges thereof; for supplying the said Town with Fresh Water; and for other Purposes therein mentioned.

[31st May 1816.]

WHEREAS by an Act, passed in the Sixth Year of the Reign of His Majesty King *George the First*, intituled *An Act for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling, upon every Pint of Ale or Beer that shall be vended or sold within the Town of Montrose, and Privileges thereof; for supplying the said Town with Fresh Water; and for other Purposes therein mentioned;* and another Act was passed in the Seventh Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for enlarging the Term and Powers granted by an Act, passed in the Sixth Year of the Reign of His late Majesty King George the First, intituled An Act for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling, upon every Pint of Ale or Beer that shall be vended or sold within the Town of Montrose, and Privileges thereof; for supplying the said Town with Fresh Water; and for other Purposes therein mentioned;* and another Act was passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for continuing Two Acts, made in the Sixth Year of King George the First, and in the Seventh Year of His late Majesty, for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling,*

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upon every Pint of Ale or Beer that shall be vended or sold within the Town of Montrose, and Privileges thereof; for supplying the said Town with Fresh Water; and for other Purposes therein mentioned; and another Act was passed in the Thirty-fifth Year of the Reign of His said present Majesty, intituled *An Act for enlarging the Term and Powers of Three several Acts, made in the Sixth Year of the Reign of His Majesty King George the First, in the Seventh Year of the Reign of His late Majesty, and in the Ninth Year of the Reign of His present Majesty, for laying a Duty of Two Pennies Scots, or One Sixth Part of a Penny Sterling, upon every Pint of Ale or Beer vended or sold within the Town of Montrose, and Privileges thereof; for supplying the said Town with Fresh Water; and for other Purposes therein mentioned:* And whereas the said recited Acts are about to expire, and the Rates and Duties thereby imposed will consequently cease and determine: And whereas the Purposes for which the said Rates and Duties were granted have not been completed, and cannot be accomplished, and the Debts contracted under the Authority of the said Acts cannot be discharged, unless the Terms and Powers of the said Acts be further continued and enlarged: 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 laid on and continued by the said recited Acts upon all Ale or Beer brewed, vended, tapped, or sold, or brought in for Sale (and not *in transitu*) within the said Town of *Montrose*, and Privileges thereof, shall from and after the Expiration of the said last recited Act of the Thirty-fifth Year of the Reign of His said present Majesty, be further continued, raised, levied, collected, paid, and be payable to the Commissioners herein-after named and appointed, and to their Collectors and Assigns, during the Continuance of this present Act, for the Uses, Ends, and Purposes after mentioned.

Commission-
ers appointed.

II. And be it further enacted, That the Provost, Three of the Baillies, the Treasurer, and Hospital Master, of the said Burgh of *Montrose*, all for the Time being, and Four Members of the Town Council of the said Burgh, to be nominated by the Magistrates and Town Council as soon after the passing of this Act as conveniently may be, together with Five Members of the Guildry Incorporation, and Five resident Householders of the said Burgh, to be nominated and elected by the Guildry, and a general Meeting of the Householders of the said Burgh, as soon after the passing of this Act as conveniently may be, shall be, and the said Persons, being Twenty in Number, are hereby appointed Commissioners for executing the Purposes of the said recited Acts and of this Act, and shall continue in Office as such, until the Second *Wednesday* of *October* One thousand eight hundred and seventeen; and upon the said Second *Wednesday* of *October* One thousand eight hundred and seventeen, and upon the Second *Wednesday* of *October* annually thereafter, at Twelve of the Clock at Noon, the Magistrates and Town Council of *Montrose*, and the Guildry and Householders of the said Burgh, shall elect, nominate, and appoint the like Number of Commissioners from their respective Bodies (where such Commissioners are not hereby appointed *ex officio*) for the ensuing Year; and such Persons so elected shall be Commissioners for the ensuing Year, for the Purposes aforesaid.

III. And be it further enacted, That upon the Death, Removal, or Refusal to act, of any of the Commissioners chosen by the Town Council, Guildry, and Householders of *Montrose* respectively, it shall be lawful for the said Town Council, Guildry, and Householders, as the Case may be, and they are hereby required, within One Calendar Month after such Death, Removal, or Refusal to act, shall be known to them, to appoint another Person in the room of such Commissioner so dying, removing, or refusing to act; and every new Commissioner so appointed shall have the like Power and Authority as the Person had in whose Stead he shall be so chosen.

In case of Death or Refusal, how to be chosen.

IV. And be it further enacted, That the said Commissioners shall meet at such Times and Places for the Execution of this Act as they shall think proper, and in all Cases Seven of the said Commissioners shall be a Quorum; and at the Meetings of the said Commissioners the Provost of the said Burgh, or, in his Absence, the eldest Baillie thereof who may be present (all for the Time being), shall *ex officio* be Preses; and in the Absence of the Provost and Baillies, the Commissioners present at such Meetings shall elect a Preses for the Time; and all Questions shall be decided by a Majority of the Commissioners present at any such Meeting, the Preses, in case of an Equality of Votes, having a casting Vote besides his Vote as a Member of the Meeting.

Their Meetings and Preses regulated.

V. And be it further enacted, That the Imposition or Duty to be levied under the Authority of the said recited Acts or of this Act shall, after the Expences of obtaining this Act are paid, be applied in the first place by the said Commissioners, for and towards the special Purpose of supplying the said Town of *Montrose* with a sufficient Quantity of good Fresh Water, for substantially repairing or renewing the Water Pipes, for maintaining the said Pipes and the Public Wells of the said Burgh in proper Repair, and for erecting and maintaining additional Wells; and, in the Second Place, for repairing, paving, and amending the Public Streets of the said Town of *Montrose*, and keeping the same in Repair; and in case any Surplus of the said Duty shall remain after these Purposes are satisfied, such Surplus shall be paid over to the Town Treasurer of *Montrose*, to be applied for and towards the other Uses, Ends, and Purposes in the said recited Acts appointed and directed.

Appropriation of the Rates.

VI. Provided always, and be it enacted, That a Drawback of the said Duty shall be allowed and paid by the said Commissioners and their Successors in Office, and by their Collectors and Assigns, on all Ale and Beer brewed within the said Town of *Montrose* and Liberties thereof, which shall be proved to the said Commissioners and their Collectors and Assigns to have been exported and sold to Persons living without the aforesaid Town and Liberties, and not liable to the said Duty; and the Quantity so exported and sold shall be ascertained by a Statement on Oath by the Brewer or Brewers thereof; along with the Receipt or Receipts of the Person or Persons to whom it shall have been so sent, which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer.

Drawback on Beer sent beyond the Limits of the Town.

VII. And be it further enacted, That the aforesaid Imposition or Duty shall during the Term hereby granted be raised, levied, and collected from

Duty to be levied as under former Acts.

from the same Persons, and by the same Means and Methods, and under the same Penalties and Forfeitures, and be accounted for and paid to the said Commissioners, and shall be applied by them to the Purposes aforesaid; and the said Commissioners shall have the same Powers, and be subject to the same Rules and Directions, as are mentioned and prescribed in and by the said recited Acts; and that the said Acts, and every Article, Rule, Clause, Matter, and Thing therein contained, shall be of the same Force and Effect, to all Intents and Purposes, for raising, collecting, securing, and levying the said Imposition or Duty, borrowing Money on the Security thereof, and applying the said Imposition or Duty for the special Uses and Purposes before mentioned, for and during the additional Term of Years for which the same is hereby granted, as if the said recited Acts were particularly and at large repeated and re-enacted in the Body of this present Act.

Overseers.

VIII. And be it further enacted, That from and after the passing of this Act *Hercules Ross* Esquire of *Rossie*, *John Duncan* Esquire of *Rosemount*, *David Carnegie* Esquire of *Craigs*, *James Cruikshank* Esquire of *Langley Park*, *Peter Arkley* Esquire of *Dunninald*, *Joseph Straton* Esquire of *Kirkside*, *John Brand* Esquire of *Lauriston*, *George Robertson Scott* Esquire of *Hedderwick*, *Alexander Renny Tailour* Esquire of *Borrowfield*, and *Robert Spears* Esquire of *Scotston*, or any Seven or more of them, shall be and are hereby appointed Overseers in Place and Stead of the Overseers appointed by the above recited Acts, and shall be and are hereby vested with the same Powers and Authorities as are in and by the said recited Acts granted and given to the said Overseers thereby appointed; any Thing in the said former Acts to the contrary notwithstanding.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance.

X. And be it further enacted, That the said recited Acts and this Act shall continue and endure from and after the Expiration of the said recited Act of the Thirty-fifth of His said present Majesty, for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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