

**An act for the prevention, as far as may be possible, of the disease called the cholera, or spasmodic or Indian cholera, in Scotland : 1832.**

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### **Publication/Creation**

[Edinburgh] : [Printed by Sir. D. Hunter Blair and M.T. Bruce, printers to the King's most Excellent Majesty], [1832]

### **Persistent URL**

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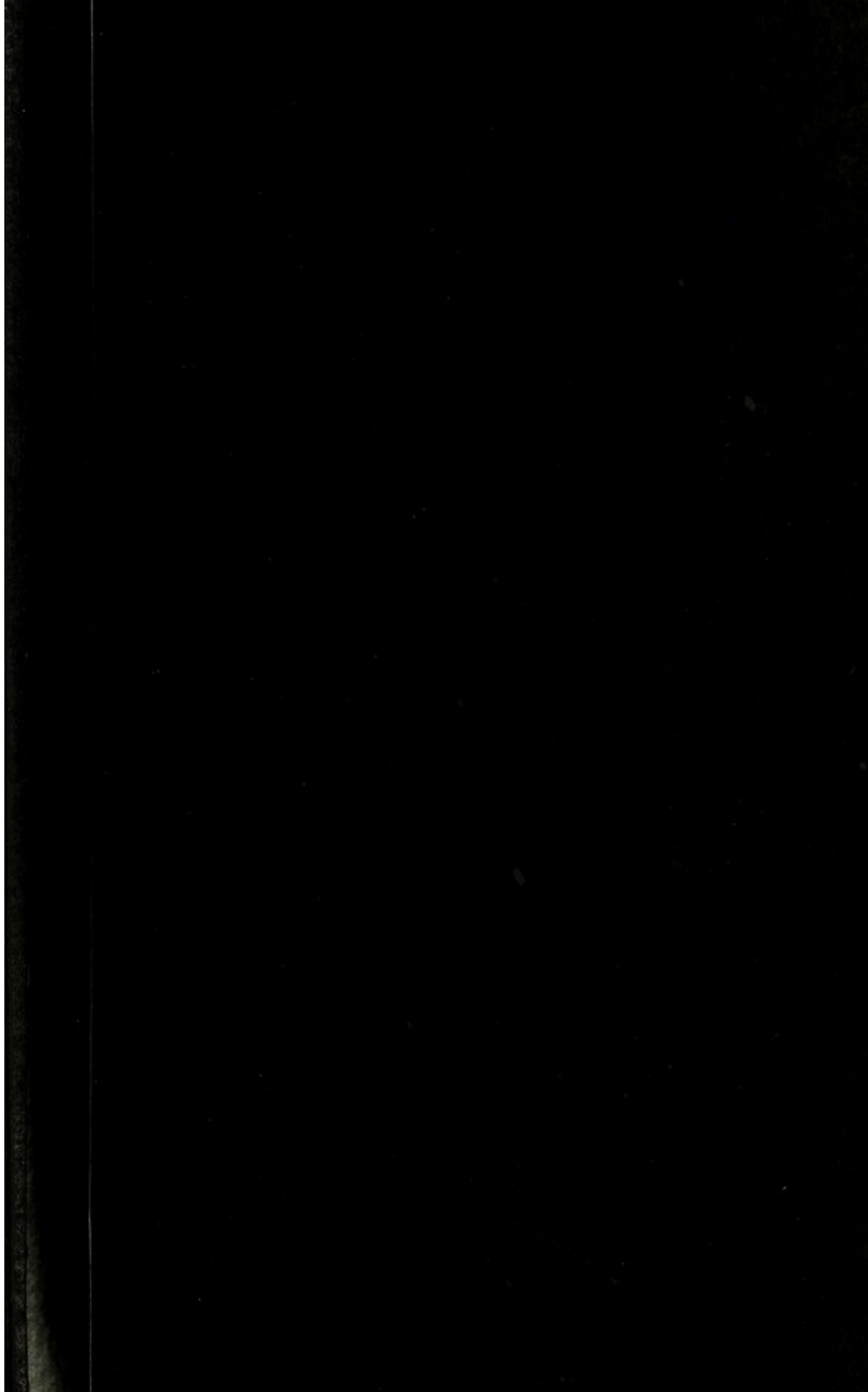
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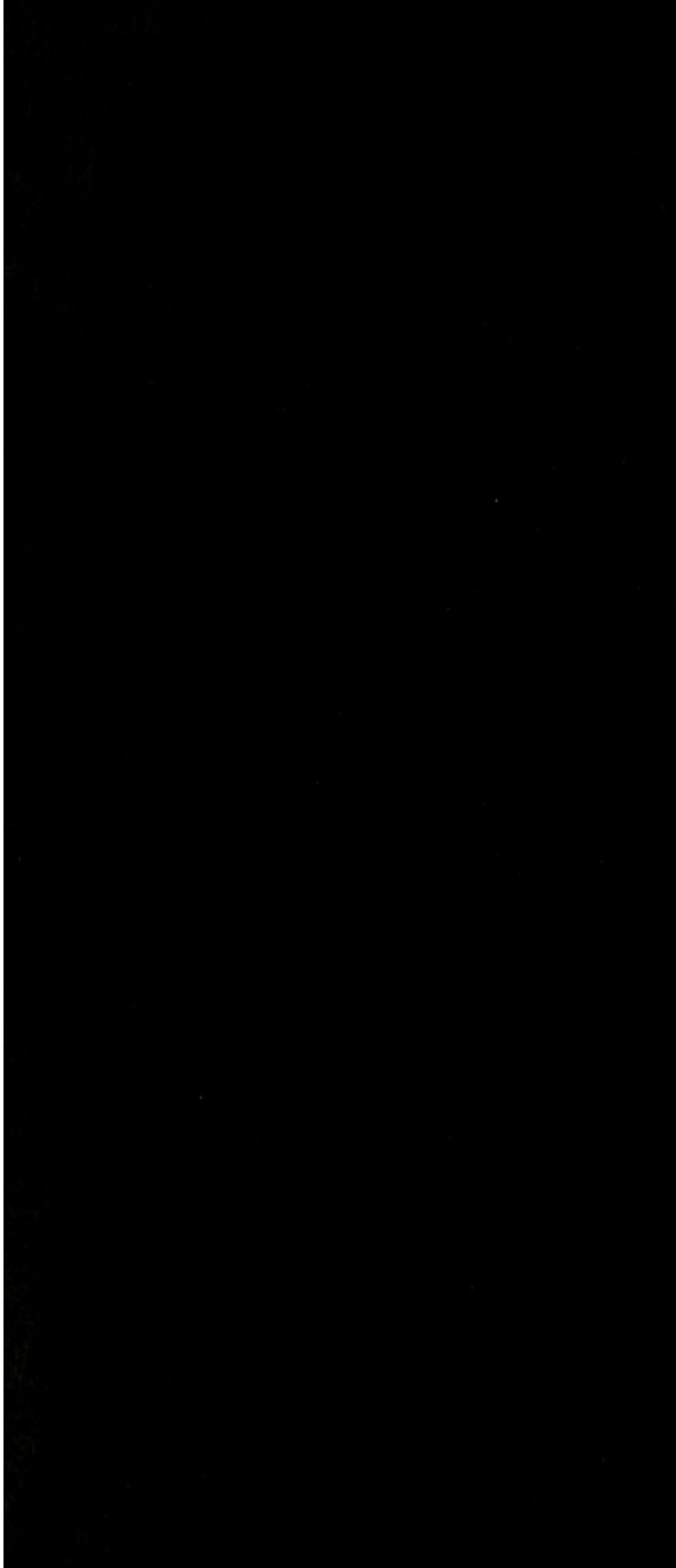
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AN

ACT

FOR

The Prevention, as far as may be possible, of the Disease  
called the Cholera, or Spasmodic or *Indian* Cholera, in  
*Scotland*.

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1832.  

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ANNO SECUNDO

GULIELMI IV. REGIS.

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CAP. XI.

*An Act for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera, in Scotland.—[20th February 1832.]*

WHEREAS it has pleased Almighty God to visit the United Kingdom with the Disease called the Cholera, or Spasmodic or *Indian Cholera*: And whereas, with a view to prevent, as far as may be possible, by the Divine Blessing, the spreading of the said Disease, it may be necessary that Rules and Regulations should from Time to Time be established within Cities, Towns, or Districts affected with or which may be threatened by the said Disease; but it may be impossible to establish such Rules and Regulations by the Authority of Parliament with sufficient promptitude to meet the Exigency of any such Case as it may occur: Be it therefore 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 it shall and may be lawful for the Lords and others of His Majesty's most Honourable Privy Council, or any Two or more of them (of whom the Lord President of the Council or One of His Majesty's Principal Secretaries of State for the Time being shall always be One), by any Order or Orders to be by them from Time to Time made, to establish, and again from Time to Time, by any such Order or Orders, to revoke, renew, alter, and vary all such Rules and Regulations as to them may appear necessary or expedient for the Prevention, as far as may be possible, of the spreading of the said Disease called the Cholera, or Spasmodic or *Indian Cholera*, within *Scotland* or any Part thereof, or for the Relief of any Persons suffering under or likely

Lord President of Council, &c. empowered to issue Orders at any Time to prevent the spreading of Cholera in Scotland.



likely to be affected by the said Disease, and for the safe and speedy Interment of any Person or Persons who may die of the said Disease; with Power also to the said Honourable Privy Council to appoint Persons resident in *Scotland* to superintend and assist in the Execution of this Act, and to vest such Persons with such Powers and Authorities for this Purpose as to them may seem fit.

Orders to be certified by a Clerk of the Privy Council, and received as Evidence.

II. And be it further enacted, That every such Order as aforesaid shall be certified under the Hand of One of the Clerks in Ordinary of His Majesty's Privy Council; and that the Publication of any such Order in the *London Gazette* shall, for all Intents and Purposes, be taken, admitted, and received in all Courts, and by and before all Judges, Justices, Magistrates, and others, as good and sufficient Evidence of the making and of the Date and Contents of any such Order.

Penalty for Violation of Orders.

III. And be it further enacted, That any Person who shall or may violate or wilfully and knowingly infringe the Provisions of any such Order, or who shall or may refuse or wilfully neglect or omit to act in Obedience to or in Conformity with any such Order, or shall resist, oppose, or obstruct the lawful Execution thereof, shall for every such Offence be and be deemed guilty of a Crime punishable by Fine and Imprisonment, and shall also incur and become liable to a Penalty not exceeding Five Pounds nor less than One Pound, to be recovered in the Manner herein-after mentioned: Provided always, that no Person against whom any such Penalty shall be so recovered shall be liable to be indicted or proceeded against in respect of the same Offence as for a Crime.

Recovery of Penalties.

IV. And be it further enacted, That all such Penalties as aforesaid shall be recovered by the Procurator Fiscal of Court, or any Person or Persons who shall sue for the same, before any Two Justices of the Peace having Jurisdiction within the County, City, Burgh, or Place in which the Offence shall have been committed, or before the Sheriff of any such County; and that the Amount of the Penalties to be inflicted upon any such Offenders shall, within the Limits herein-before prescribed, be, in the Discretion of such Justice or Sheriff, applied to the Purposes of this Act.

Sheriffs, &c. empowered to determine Complaints.

V. And be it enacted, That it shall be lawful for the Sheriff or Justices before whom any Complaint for the Recovery of such Penalties may be brought to proceed in a summary Way, and to grant Warrant for bringing the Parties complained upon immediately before them, and on Proof on Oath by One or more credible Witnesses, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of all Penalties and Expences decerned for, failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days.

VI. And



VI. And be it further enacted, That all and every the Expences which may be reasonably or properly incurred in carrying into effect any Order or Orders of the Lords of His Majesty's Most Honourable Privy Council so to be made as aforesaid shall, whenever the Occasion of such Expence has arisen within any Burgh or Town having a local Establishment of Police, be levied and defrayed by a special Assessment to be from Time to Time made for this Purpose by Authority of the Magistrates of such Burgh or Town, upon the Persons and Properties within the same which are now assessed for Purposes of Police, and that according to the Rules, Methods, and Proportions hitherto observed in such Places in collecting such Police Assessments; and that wherever the Occasion of Expence shall arise in any other Parish in *Scotland*, the Sum necessary for defraying the same shall be levied by a special Assessment to be made from Time to Time, and to be collected at such Periods as the Emergency of the Case may require, upon the Properties and Persons within each such Parish, in the same Manner, and according to the same Rules, Methods, and Proportions, that are now or that may be practised and established within any such Parish for the Assessment and Collection of the Sums payable as Conversion of the Statute Labour exigible within any such Parish either by any General or any Local Statute now in force as to any such Parish.

Monies for  
Purposes  
of this Act  
how to be  
levied in  
Burghs  
and Towns.

VII. And be it further enacted, That it shall be lawful for the Lord President for the Time being of His Majesty's Most Honourable Privy Council to authorize and direct One Person in the Privy Council Office (whose Name shall be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*) to send Letters and Packets by the General Post from *London* to Places within the United Kingdom free from the Duty of Postage, during such Time only as the several Clauses and Enactments herein contained shall continue and be in Operation, but no longer; provided all such Letters and Packets shall relate solely and exclusively to the Execution of this Act, and of the Directions, Powers, and Authorities herein contained, and shall be in Covers with the Words "On His Majesty's Service, Council Office," printed on the same, and be signed or subscribed on the Outside thereof, under such Words, with the Name of the Person so to be authorized as aforesaid, in his own Handwriting, and provided all such Packets shall be sealed with the Seal of the said Office; and the Person so to be authorized is hereby strictly forbidden so to subscribe and seal any Letter or Packet whatever, except such only concerning which he shall receive the special Directions of his superior Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act, and the Directions, Powers, and Authorities herein contained; and if such authorized Person, or any other Person, shall send or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure, other than

One Person  
in Privy  
Council Of-  
fice to send  
Letters and  
Packets  
from Lon-  
don free  
from Duty,  
during such  
Time only  
as this Act  
shall con-  
tinue in  
Operation.



than what shall relate to the Execution of this Act, and the Directions, Powers, and Authorities herein contained, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office.

Orders of  
Council to  
be laid be-  
fore Par-  
liament.

VIII. And be it further enacted, That every Order which may be so made as aforesaid by the Lords and others of His Majesty's Privy Council, or by any Two or more of them, shall be forthwith laid before both Houses of Parliament, if Parliament shall be then sitting, and that such Orders as shall be so made when Parliament shall not be sitting shall be laid before both Houses of Parliament within Fourteen Days next after the Commencement of the first Session which shall ensue upon the Date of any such Order.

Continu-  
ance of this  
Act.

IX. And be it further enacted, That this Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and thirty-two, and thenceforward until the End of the then next Session of Parliament.

Act may be  
altered this  
Session.

X. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this Session of Parliament.

ANNO



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ANNO SECUNDO

## GULIELMI IV. REGIS.

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### CAP XXVII.

*An Act for altering and amending an Act passed in the present Session of Parliament, for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera, in Scotland.—[9th April 1832.]*

**W**HEREAS an Act was passed in this present Session of Parliament, intituled *An Act for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera, in Scotland*: And whereas it has been found that certain of the Provisions in the said Act contained are defective, and that it is expedient that the same be altered and amended; be it therefore 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 all and every the Expences which may be reasonably and properly incurred in carrying into effect any Order or Orders of His Majesty's Most Honourable Privy Council, so to be made as is in the said Act provided, or sanctioned after they are incurred by any such Order, shall, whenever the Occasion of such Expence has arisen within any City, Burgh, or Town, or adjacent Districts, having a local Establishment of Police, be levied and defrayed by a special Assessment to be made from Time to Time, and as Occasion may require, for this Purpose, by Authority of the Magistrates of such City, Burgh, or Town, upon the Persons or Properties within the same, or within the adjacent Districts, which are now assessed for Purposes of Police, and that according to the Rules, Methods, and Proportions hitherto observed in such Places in collecting such Police Assessments; provided always, that the Bounds of the *Edinburgh* Police shall not for the Purposes of this and the said

2 W. 4. c. 11

Assess-  
ments for  
defraying  
necessary  
Expences  
how to be  
levied with-  
in Burghs.



said recited Act be held to extend over any Part of the Parish of *South Leith*; and that whenever the Occasion of Expence shall arise in any Burgh not having a local Assessment for Police, (whether the same shall be a Royal Burgh or Burgh of Regality or Barony, provided it have a local Magistracy regularly constituted,) or Managers legally authorized to act in place of such Magistrates, the Sums necessary for defraying the same shall be levied by a special Assessment to be made from Time to Time, as the Emergency of the Case may require, by Authority of the said Magistrates, upon all Dwelling Houses within the same, rated to any general or local Tax or Assessment whatsoever at a yearly Value of Five Pounds or upwards, and upon all Houses, Shops, Warehouses, Counting-houses, and manufacturing Premises not rated to any such Tax or Assessment as shall either be let for a Rent of Seven Pounds or upwards, or proved or admitted, where not so let or rated, to be of that yearly Value; one Half of all such Assessments to be paid by the Occupants, and the other Half by the Owners of all such Tenements.

Assess-  
ments how  
to be levied  
within  
Landward  
Parishes.

II. Provided always, and be it further enacted, That where the Occasion of Expence shall arise in any Landward Parish (or in the Landward Part of any Parish containing any Burgh or Part of a Burgh) the Sums necessary for defraying the said Expences shall be levied by a special Assessment, to be from Time to Time made by the Heritors, or their special Mandatories, of such Parish or Landward Part of a Parish, upon the Owners and Occupants of the Lands, Houses, and other Heritages within the said Parish or Landward Part of a Parish, at a Meeting to be called by the said Heritors or any Two of their Number, or by the Minister of the Parish, or by the Secretary or other Officer of any Board of Health established or authorized to act within the said Parish by His Majesty's Most Honourable Privy Council, upon a Notice of Seven free Days, to be intimated within the Parish Church on the *Sunday* while the Congregation is assembled, and also by affixing a written Notice on the Doors of the said Church; which Heritors (or their special Mandatories) shall, at their first or at any adjourned Meeting, make the necessary Assessment upon the real Rent or annual Value of the said Lands, Houses, and other Heritages, Two Thirds of the Assessment upon Lands and other Heritages (except Houses) to be made on the Owners, and One Third on the Occupants, and One Half of the Assessment in Houses to be made on the Owners, and One Half on the Occupants: Provided always, that no such Assessment shall be charged or levied upon any House within such Parish (being the only Heritable Property owned or occupied within the same by the Parties), unless the same be either rated to some public or local Tax, at a yearly Value of Five Pounds, or be let for a Rent of Six Pounds or upwards, or be proved or admitted where not so rated or let to be of the Value last mentioned: Provided also, that the whole Assessments herein-before



fore mentioned may be levied in the first instance from the Occupants of the Premises in question (if the Rent payable by them for the current Term shall not have been paid at the Time of such Levy), the said Occupants being entitled to retain the Owners Proportion of the same from the Rents then due to the said Owners: Provided also, that notwithstanding the Existence of certain Burghs or Parts of Burghs, and of local Assessments for Police, within the Barony Parish of *Glasgow*, the whole of that Parish shall for the Purposes of this and the said recited Act be held to be one Landward Parish, and shall be liable to be assessed as such, and not otherwise.

III. And be it enacted, That the Assessment List or Table of particular Charges, duly signed by the acting Chief Magistrate of any Burgh, or by the Preses or Secretary of any Meeting of Heritors, shall be a sufficient Warrant to the Collectors appointed by them respectively to demand and levy the Sums specified in such Lists, from the Individuals there charged respectively with the same; and the Return or Certificate of any such Collector, purporting that such Payment, though demanded, has not been made, shall, when exhibited to any Magistrate of a Burgh by the Collector for that Burgh, or to the Sheriff or Sheriff Substitute of any County by the Collector for any Landward Parish or Part of a Parish in such County, be an Authority to such Magistrate or Sheriff to issue his Warrant for Poining and other Diligence against the Person or Moveables of the Individuals so failing to pay, within Ten Days after the issuing of such Warrant, in the same Manner and to the same Effect in all respects as is now competent for the levying of Assessed Taxes.

Authority upon which Charge may be made, and Diligence issued.

IV. Provided always, and be it further enacted, That it shall be competent to any Person who may think himself aggrieved by any such Assessment to appeal against the same to the next ensuing Quarter Session of the Justices that may be held for the County not less than Six Days after the lodging of such Appeal, and Notice thereof to the Collector, who shall there hear and finally determine upon the Merits of any such Appeal, and whose Sentences shall not be liable to any Process of Review.

Power to appeal.

V. And be it enacted, That in all Burghs and Parishes where there are Assessments for Relief of the Poor, it shall be competent to the Magistrates of such Burghs, and to the Heritors of such Parishes respectively, to levy and collect the Assessments authorized by the former and by this present Act, from the same Persons and Properties, and in the same Way and Manner, and by the same Rules and Methods, in all respects, as have been used and observed within the same for levying and collecting such Assessments for the Poor, whenever it shall appear to the said Magistrates or Heritors to be more just and expedient to adopt such Rules and Methods than

Power to levy and collect Assessments in the Manner of Assessments for the Relief of the Poor.



than to put in execution any of the Modes of Assessment herein-before allowed or directed.

Instead of the Mode in which Assessments are authorized to be made under this or recited Act, Heritors may make the Assessments in the manner herein mentioned.

VI. Provided always, and be it further enacted, That in all Landward Parishes and Landward Parts of Parishes containing any Burgh or Burghs, or any Part or Parts of any Burgh or Burghs, it shall be competent to the Heritors of such Parishes or Landward Parts of Parishes, or their special Mandatories, (in case it shall appear to such Heritors, or their special Mandatories, just or expedient so to do,) instead of putting in execution any or either of the Modes by which the Assessments authorized to be made by this or the said recited Act are herein-before allowed or directed to be made, to make the same Assessments in manner following; (that is to say,) upon Land according to the valued Rent of the same, and upon Houses according to the yearly Value set on such Houses by the latest Assessment of the House Tax; and in the following Proportions; *videlicet*, for every such Assessment to the Amount of One Shilling Sterling upon One hundred Pounds *Scots* of valued Rent an Assessment shall be laid upon the Rent or yearly Value of Houses so ascertained at the Rate of Twopence Sterling in the Pound of such Rent or yearly Value, and so in proportion for any greater or less Sum.

Correct Lists of Houses and Roll of valued Rent to be furnished by Assessors and Collectors.

VII. And whereas it is necessary, for levying such Assessment, to obtain a correct List of Houses assessed to the House Tax, and a correct Roll of the valued Rent, within the said Landward Parishes or Parts of Landward Parishes; be it enacted, That the Collectors of the Cess and the Assessors of the House Tax shall, if required by the Heritors aforesaid, furnish the said Heritors with a Copy of the Roll of valued Rent, and the List of Houses assessed to the House Tax, within the Landward Parishes or Parts of Landward Parishes aforesaid.

Certain Persons may be exempted from Assessments.

VIII. And be it enacted, That it shall be in the Power of the Magistrates and Heritors hereby authorized to make the Assessments herein-before mentioned, to exempt, either wholly or in part, from their Operation, such Persons as from their Circumstances seem entitled to such Exemption, and also such Persons in the said Burghs or Parishes as may have already voluntarily advanced and contributed Sums of Money for the Objects and Purposes by this Act contemplated, beyond other Persons in the said Burghs or Parishes, and that according to the sound Discretion of such Magistrates or Heritors: Provided always, that in case of any alleged Abuse or erroneous Exercise of such Power of Relief or Exemption, it shall be competent to any Person aggrieved to apply to His Majesty's Most Honourable Privy Council, who shall forthwith issue their Orders correcting and rectifying such Error or Abuse.

Burghs and Parishes may combine and act in concert with

IX. And be it enacted, That nothing herein contained shall be held to prevent the Heritors of any Parish, or the Magistrates of any Burgh, from concerting and acting in conjunction with the Heritors of any adjoining Parish or Parishes, or with the Magistrates of any Burgh lying wholly or partly within or contiguous



contiguous to any such Parish or Parishes, for the Purpose of taking Measures for their common Relief or Protection from the Disease or Infection above mentioned, and raising a joint Fund by means of the Assessments herein-before provided for defraying the Expences of such Measures as it may be proper and expedient for them thus to adopt in common.

other  
Burghs or  
Parishes.

X. And be it enacted, That it shall be lawful for the Magistrates and Heritors and others hereby authorized to impose and levy the Assessments herein-before mentioned, to borrow such Sums of Money as may be indispensably necessary for carrying into Effect the Orders of the said Most Honourable Privy Council, and for that Purpose to assign and impledge the said Assessments to the Lenders thereof in Security for their Repayment.

Magis-  
trates, &c.  
may bor-  
row Money  
to carry in-  
to effect  
Orders of  
Privy  
Council.

XI. And be it enacted, That the Provisions of the said recited Act, except in so far as altered or superseded by this present Act, shall continue and remain in force, to all Intents and Purposes, and as fully in all respects, as if this Act had not been passed.

Former Act  
to subsist,  
unless  
where al-  
tered.

XII. Provided also, and be it further enacted, That where any Assessment shall have been actually made under the said recited Act, it shall be lawful for the Parties by whom such Assessment had been so made to follow out and make effectual the same; any thing herein contained to the contrary notwithstanding.

Assess-  
ments  
made under  
it may be  
carried into  
effect.

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EDINBURGH:—Printed by Sir D. HUNTER BLAIR and M. T. BRUCE,  
Printers to the King's most Excellent Majesty.—1832.



## BOARD OF HEALTH





