



ANNO QUINTO

GEORGIIV. REGIS.

Cap. lxxix.

An Act to amend an Act of His present Majesty, for opening a Street from the Cross of *Glasgow* to *Monteith Row*. [28th May 1824.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act for amending an Act of His late Majesty King George the Third, relating to the Conversion of the Statute Labour within the Royalty of Glasgow; and another Act of His said late Majesty, relating to the Sale of Live Cattle in the City of Glasgow, and for opening certain Streets, and otherwise improving the said City*; whereby Power was given to the Magistrates and Town Council of the City of *Glasgow* to open, form, causeway, and pave a new Street, not exceeding Seventy Feet in Breadth, running from *Great Hamilton Street* or *Monteith Row* Westward, in such a Line between the North Side of *Saint Andrew's Square* and the South Side of the *Gallowgate* as they might think proper, and terminating at or near the Cross of *Glasgow*; and to purchase the Grounds and Buildings on both Sides of the proposed Street, to an Extent not exceeding Sixty Feet on each Side thereof: And whereas the said Magistrates and Town Council have not adequate Funds belonging to the Community of said City, which they can apply to such Purpose, and have otherwise no Means of raising the Monies necessary therefore: And whereas certain Persons have entered, or are willing to enter, into a Subscription, whereby to raise the Sum requisite for the above Purpose, upon being authorized to form the said Street; but this Object cannot be obtained without the Authority of Parliament: May it therefore please Your Majesty that it may be

[Local.] 18 E enacted;

Commissioners appointed.

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 *Kirkman Finlay, Robert Findlay, Henry Monteith, Michael Rowand, Patrick Playfair, James Lumsden junior, Thomas Lawrie, William M'Tyer, James Oswald, William Hussey, William Gilmour, Andrew Reid, and Moses M'Culloch*, and all such Persons as have subscribed or shall subscribe a Sum not less than One hundred Pounds Sterling for making the said Street, or who shall purchase or otherwise become Holders of Shares to the Extent of One hundred Pounds in the said Street, shall, while they continue to hold such Shares to the Extent aforesaid, be and they are hereby appointed Commissioners for opening, forming, causewaying, and paving the said Street, which shall be called *London Street*, and forming and erecting all Buildings, Arches, Sewers, and Drains, and other Works necessary thereto; and all the Powers and Authorities given to or vested in the said Magistrates and Town Council by the said recited Act, in relation to the said Street, shall be and are hereby conferred upon and committed to the said Commissioners hereby appointed for making the said Street, in the Manner and to the Effect by the said Act meant and intended, as fully in all respects as if the Powers Provisions, and Authorities contained in the said Act were herein specially repeated and re-enacted.

Subscribers not to be liable for more than their Subscriptions.

II. And be it further enacted, That no Body Politic, Corporate, or Collegiate, or Individual, shall, by reason of his or their being a Subscriber or Subscribers to the said Street, be liable for any further or larger Sum of Money, or to a greater Amount, in respect of or in relation to the Expence to be incurred in making the said Street, and carrying the said recited Act and this Act into execution, than the Amount of the Sum subscribed or to be subscribed by such Body or Bodies or Individual respectively: Provided always, that the Property to be acquired by the said Commissioners for the Purposes aforesaid, while vested in them, or any other or future Subscribers or Shareholders as after mentioned, or any Person or Persons for their Behoof, shall be liable to all the just Debts and Expences to be contracted or incurred by the said Commissioners in making the said Street.

Commissioners to take Conveyances.

III. And be it further enacted, That it shall and may be lawful for the said Commissioners, purchasing any Lands, Tenements, or Heritages under the Authority of the said recited Act or this Act, for the Purposes thereof, to receive and take from all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, married Women, Tutors or Curators for Infants, Minors, or furious or fatuous Persons, and all other Persons under any legal Disability whatever, and incumbent upon all and every such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, married Women, Tutors and Curators for Infants, Minors, or furious or fatuous Persons, and all other Persons under any legal Disability whatever, selling any Lands, Tenements, or Heritage under the Authority of the said recited Act and of this Act, for the Purposes thereof, to grant, subscribe, and deliver the Rights and Conveyances to such Lands, Tenements, and Heritages, in the Words and Form following, or in Words and Form to the like Effect:

I A.B.

or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Commissioners; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements as aforesaid, and in making up their Verdict, the said Jury shall have Right, and they are hereby empowered to take under their Consideration all Circumstances, particularly the Advantages arising to the Owners and Occupiers by the aforesaid Street, and after Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Commissioners, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties entitled thereto, or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, in manner by this Act directed, and Twenty Days Notice thereof given to the Parties or Persons entitled to the Value of such Lands, Tenements, or Heritages, or their Agents, or left at their respective usual Places of Abode, the said Commissioners shall from thenceforth have a Right to take and use the Lands and Heritages, and to take down the Houses and other Buildings so valued as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners and Occupier or Occupiers of such Lands, Tenements, or Heritages had executed regular Dispositions of the same, and Infestment had followed thereupon; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final, and not removable by Bills or Letters of Advocation or Suspension, or by Reduction, to or by any Court whatever, any Law or Usage to the contrary notwithstanding.

Expences of
Valuation
how to be
borne.

VI. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the said Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Commissioners and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners; and on the other Hand, if the said Jury shall award the Sum offered by the said Commissioners, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers, and the said Commissioners equally: Provided always, that whenever any Person or Persons shall by reason of Absence have been prevented from treating with the said Commissioners, such Expence shall be borne and defrayed by the said Commissioners in manner aforesaid.

Penalty on
Juror or Wit-
nesses failing
to attend.

VII. And be it further enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff Depute or his Substitute, in any Matter arising out of the said recited Act or this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, such Sheriff Depute and his Substitute is and are hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

VIII. And

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, 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*, or *British* Linen Company, 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 therewith 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 being 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.

Application
of Compensation Money
when exceeding
200*l.*

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded 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 Tutor 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 either 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

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

thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable.

When under
20l.

X. Provided also, and be it further enacted, That where such Money so agreed or awarded 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 being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of the said recited Act or 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
not making
out Titles, or
if the Persons
entitled can-
not be found.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Heritages to be purchased by virtue of this Act for the Purposes aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners or any Three or more of them to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company respectively, as the Case may be, in manner as respectively before directed, to the Credit of the Parties interested in the said Lands or Heritages, (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them,) subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

In case of
questionable
Title, Posses-
sor to be
deemed to
have a Title
until the
contrary be
shown.

XII. 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, under the Direction and by the Authority of the Court of Session in pursuance of the said recited Act or of 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 the said recited Act or of this Act, or to any Lands, Tenements,

formal Disposition had been executed and followed by Sasine, according to the Form of the Law of *Scotland*; any Law or Practice to the contrary notwithstanding.

Property
vested in
Commission-
ers.

XV. And be it further enacted, That the said Capital Stock, and the Property of and in the said Street, (after deducting the Money laid out in obtaining and passing this Act, and in making the different Surveys and Plans of the same, and of the Lands and Grounds through which the said Street is intended to be carried as aforesaid, and all other incidental Costs, Charges, and Expences whatsoever touching and concerning the same in any way howsoever, which shall be borne, paid, and defrayed by the said Commissioners,) is and are hereby vested in the said Subscribers, and they shall severally and respectively be entitled thereto, according to the Share and Interest held by them respectively in the said Street.

Commission-
ers empow-
ered to sell
Property.

XVI. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are hereby authorized and empowered, to sell the Grounds or Lands to be acquired by them on each Side of the said Street, and the Buildings or other Heritages thereon, and the whole Subjects belonging to them as Commissioners foresaid, and to take the Prices payable to them the said Commissioners, and their Heirs, Executors, or Assignees.

Commission-
ers to raise
Money.

XVII. And be it further enacted, That it shall be lawful to the said Commissioners to raise, for the Purposes of this Act, such a Capital Stock or Fund as shall be necessary therefor, and to divide the same into Shares of Twenty-five Pounds each, which Shares shall be vested in and belong to the said Subscribers, and their Heirs, Successors, and Assignees, in proportion and according to the Amount of the Subscription of such Subscriber respectively; and such Shares shall be held to be Moveable Property, and not of the Nature of Heritable Property.

Shares may
be transfer-
red.

XVIII. And be it further enacted, That it shall be lawful to the said Commissioners and Subscribers, and their Executors and Successors or Assignees, to assign and transfer his, her, or their Interest, not being less than One Share, in the said Street and Capital Stock to any Person or Persons; and any Person or Persons to whom such Transfer shall be made to the Amount of Four or more Shares shall, in respect of such Transfer, be and become a Commissioner under this Act; and such Transfer may be in the Words following, or in Words to the like Effect:

Form of
Transfer.

‘ I *A. B.* of _____ in consideration of _____
 ‘ paid to me by *C. D.* of _____ do hereby sell,
 ‘ assign, and transfer to the said *C. D.* the Sum of _____
 ‘ being _____ Shares of the Capital Stock of the Commissioners
 ‘ for making a new Street in the City of *Glasgow*, called *London Street*,
 ‘ to hold to the said *C. D.*, and _____ Executors, Adminis-
 ‘ trators, and Assigns, subject to the same Rules, Orders, and Restric-
 ‘ tions, and on the same Conditions, that I held the same before Execution
 ‘ hereof. Witness my Hand and Seal this _____ Day of _____
 ‘ in the Year of our Lord _____

Transfer to
be entered.

And such Conveyance, in order to its Completion, shall be entered by the Clerk to the said Commissioners in a Book or Books to be kept for that Purpose,

Purpose, who shall indorse on such Conveyance a Certificate of the Entry thereof, and for which Entry and Indorsement no more than Two Shillings and Sixpence shall be charged; and the said Clerk is required to make such Entry and Indorsement within Forty-eight Hours of the Presentment to him of such Conveyance, under the Penalty of Five Pounds to be forfeited by him to the Holder of such Conveyance; and until such Entry of such Conveyance shall be made as aforesaid, such Purchasers shall have no Right to the Shares thereby conveyed.

XIX. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to borrow and take up at lawful Interest, for the Purposes of this Act, any Sum or Sums of Money not exceeding Twenty thousand Pounds; and the Securities to be granted by the said Commissioners for the Sum or Sums of Money to be borrowed by them as aforesaid may be in the following Words, or Words to the like Effect:

Commissioners may borrow 20,000*l.*

BY virtue of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled [*here insert the Title of this Act*], we, the Commissioners for forming *London Street in Glasgow*, by and under the said Act, and by Authority of a General Meeting held upon _____ in consideration of the Sum of _____ to us paid by *A.B.* of _____ do hereby bargain, sell, and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the Capital Stock belonging to the said Commissioners, and all and singular the Interests arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same; to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of _____ with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and satisfied. In witness whereof these Presents (written by *C.D.*) are subscribed by Three Members of the Committee of Management, and countersigned by the Clerk of the said Commissioners, at *Glasgow*, the _____ Day of _____ before these Witnesses _____

Form of Assignment.

And all Securities for Monies borrowed for the Purposes of this Act by the said Commissioners, expressed in the above Words, or Words to the like Effect, shall be valid and good Securities to the Lender or Lenders of such Monies, any Law or Custom to the contrary notwithstanding.

XX. And be it further enacted, That the First General Meeting of the Commissioners under this Act shall be held within the *Buck's Head Inn* at *Glasgow*, on the First *Tuesday* of the Month of *August* after the passing of this Act; and at such First Meeting, and at all subsequent General Meetings to be held as herein-after appointed, the Commissioners present shall elect a Chairman, who in case of Equality of Votes (including his own deliberative Vote) shall have the decisive or casting Vote; and stated half-yearly Meetings of the said Commissioners shall be held on the first *Tuesdays* of the Months of *February* and *August* in each Year.

Meeting of Commissioners.

XXI. And be it further enacted, That all Acts, Matters, and Things hereby authorized to be done and executed by the said Commissioners

Proceedings in voting.

[*Local.*]

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may

Acts of the said Commissioners met at such Special Meetings in reference to the Matters specified in such Notice only, shall be as valid and effectual as if the same had been done at a stated General Meeting.

XXV. And be it further enacted, That *Kirkman Finlay, Robert Findlay, Henry Monteith, Michael Rowand, Patrick Playfair, James Lumsden junior, Thomas Lawrie, William M'Tyer, James Oswald, William Hussey, William Gilmour, Andrew Reid, and Moses M'Culloch*, shall be a Committee for the Management of the Concerns of the said Commissioners, of whom the said *Kirkman Finlay* shall be Preses, and the said *Robert Findlay* Vice Preses, until the half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and twenty-five; when a Committee of Management consisting of the like Number of Commissioners shall be chosen for the Year succeeding the said General Meeting; and the Persons composing the Committee of Management for the previous Year shall be re-eligible to the same Offices; and in like Manner a Committee of Management shall be chosen annually at the said General Meeting to be held in the Month of *February* as aforesaid, for the succeeding Year: Provided always, that the said Managers shall be chosen from the Body of Commissioners; provided likewise, that in the event of the Non-acceptance, Death, Resignation, or Bankruptcy of any Member of the Committee of Management, his Place may be filled up by the remaining Members of the Committee, and the Manager so to be elected shall have the like Power and Authority as if he had been chosen by a General Meeting of the said Commissioners.

Committee
of Manage-
ment.

XXVI. And be it further enacted, That the First Meeting of the Committee of Management shall be held on the First *Tuesday* of the Month immediately succeeding the passing of this Act; and stated Meetings shall be held by them on the First *Tuesday* of every Month thereafter; and it shall be lawful for the Committee of Management to adjourn from Time to Time as they shall think proper: Provided always, that Special Meetings of the Committee of Management may be convened by the Clerk of the Commissioners, upon all necessary Occasions, by a written or printed Circular, specifying the Time and Place of such Meeting, and addressed and sent to each Member of the said Committee Twenty-four Hours previous to the said Meeting being held.

Meeting of
Committee of
Manage-
ment.

XXVII. And be it further enacted, That at all stated and special Meetings of the Committee of Management the Preses shall be Chairman, and in his Absence the Vice Preses, and in his Absence the Member of the Committee standing highest in the List in the Minutes of their Appointment; and any Three of the said Committee of Management shall be a Quorum, and shall constitute a Meeting.

Preses to be
Chairman.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Committee of Management, at any such Meeting of the Committee as aforesaid, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Writing under their Hands, a Treasurer and also a Clerk to the said Commissioners, and such Surveyors and other Officers as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into execution, and to fix and appoint the Salaries of such Treasurers, Clerks, Surveyors,

Committee
of Manage-
ment may
appoint
Officers;

and take Security from those who are to have Custody of Money;

and balance and settle Accounts every Year.

Surveyors, and other Officers; the said Committee taking good and sufficient Security from the Treasurer and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Surveyors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and all such Treasurers, Clerks, Surveyors, and other Officers of the said Commissioners, who shall at any Time quit or be dismissed from the Service of the said Commissioners, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Clerks, Surveyors, or other Officers, Executors or Administrators, respectively, in anywise relating to the said Street; and the said Committee of Management shall have Power and Authority, and they are hereby required, to balance or cause to be balanced the Books of the said Commissioners on the First Days of the Months of *January* and *July* in every Year, the First Balance to be made on the First Day of *January* which shall be in the Year One thousand eight hundred and twenty-five, or at such other Period of each Year as any General Annual Meeting may from Time to Time appoint; and the same being so balanced shall be examined, docketed, and signed by a Quorum of the said Committee of Management, within Three Weeks thereafter, and shall be produced at the General Meetings of the said Commissioners to be held upon the First *Tuesdays* in the Months of *February* and *August* in every Year, so that any of the Commissioners attending the said Meeting may have an Opportunity of inspecting the same; and an Abstract of the said Balance, showing the Situation of the Affairs of the said Commissioners, shall be signed by the said Committee of Management, or a Quorum of them; and the said Committee shall also, on the said First Days of *January* and *July* at least immediately previous to each Balance in every Year, call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed up to that Time, for and on account of the said Commissioners, by the Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Commissioners in or about the said intended Undertaking: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than Twice a Year, if they shall deem it proper so to do.

Same Person not to be Clerk and Treasurer.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks

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 or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or 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 or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

XXX. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioners, by Notice in Writing to him or them respectively given or left at his or their usual Place of Abode, or within Seven Days next afterwards, make out and deliver to the said Commissioners, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him or her to the said Commissioners, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in Manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Commissioners, then and in every such Case, Complaint being made by the said Commissioners where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Persons so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear

Officers to
account.

to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said Commissioners, the said Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to the said Justice the several Vouchers, and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Commissioners, then and in any of the Cases aforesaid the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he or she shall live or reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to the said Company, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Money and Charges, and pay the Composition Money to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Commissioners are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given to the said Commissioners Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Committee
of Accounts.

XXXI. Provided also, and be it enacted, That it shall and may be lawful for the said Commissioners, at any of their General Assemblies to be holden pursuant to this Act, to appoint Three or more of their Number, not being of the Committee of Management, as a Committee of Accounts to examine all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Commissioners, and to make a Report thereupon to the next General Assembly of the said Commissioners.

Committee
of Management
may
make Calls
for Money;

XXXII. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time, at any of their Meetings as aforesaid, to make such Call or Calls for Money from the several Subscribers to the said Street, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, until the Sums subscribed are paid; and so that such Calls be made under the Direction of the Committee of Management, and so that no such Calls be made but at the Distance of One Calendar Month at least from each other, and so that Ten Days Notice at least shall be given of every such Call by Advertisement in some Newspaper usually published in
Glasgow;

Glasgow; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Commissioners, to be issued, paid, and applied for carrying on the said Undertaking in such Manner as the said Committee of Management shall from Time to Time order and direct; and the said Committee of Management shall have full Power and Authority, at every such Meeting as aforesaid, on behalf of the said Commissioners, to contract for and purchase all such Lands, Tenements, or Heritages as the said Commissioners are hereby authorized to purchase, and all such Materials and other Things as shall or may be wanted for the said Undertaking, and the Works hereby authorized to be made, and to treat and agree with any Person whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons in and about or for the carrying on of the said Undertaking, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains, and Agreements whatever, touching or in anywise concerning the said Undertaking, as they shall think proper, and to grant all necessary Conveyances in favour of such Person or Persons who may purchase the Grounds on the Sides of the said Street, or any other Subjects belonging to the said Commissioners, and generally to direct and manage all and singular the Affairs and Business of the said Commissioners, and to do, execute, and perform all Acts, Matters, and Things which the said Commissioners are by this Act authorized to do; save and except such only as are hereby expressly directed to be done by the Commissioners at large at any General Meeting or Meetings to be held as herein mentioned.

and may contract for and purchase Goods;

and may generally manage the Business of the Commissioners.

XXXIII. And be it further enacted, That the Committee of Management shall enter or cause to be entered in Books, to be provided for that Purpose at the Expence of the said Commissioners, a full and true Account of all Money disbursed and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Commissioners; and also a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Commissioners, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Commissioners; but that no Money shall be issued or paid by the Treasurer to the said Commissioners, for or on account of the said Commissioners, otherwise than in such Manner as shall be directed by the Committee of Management; and every such Book, and all other Books, Papers, and Writings belonging to the said Commissioners, shall at all seasonable Times be open to the Inspection of all the said Commissioners, who may take Copies thereof or Extracts therefrom, without Fee or Reward.

Committee to enter their Proceedings.

XXXIV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk, or any one of the said Commissioners for the Time being; and no Action to be brought or commenced by or against them in the Name of their Clerk or of such

How to sue or be sued.

Commissioner

Commissioner shall cease by the Removal of such Clerk, or the Death of such Clerk or Commissioner, but that the Clerk or Commissioner for the Time being shall always be deemed the Pursuer or Defender for the Time being in any such Action or Process: Provided always, that such Clerk or Commissioner shall not thereby be made personally liable for the Expences of Process or Proceedings so incurred, which shall be paid by the said Commissioners.

Proprietors to pay their Shares of the Money called for at the Place appointed;

and if First Call not answered in Six Months Shares to be forfeited.

XXXV. And be it further enacted, That every Proprietor of any Share or Shares in the said Street and Capital Stock shall from Time to Time pay his, her, or their Proportion of the Money so to be called for as herein-before is mentioned, into the Hands of the Treasurer to the said Commissioners at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such a Call, and of which such Notice shall be given as herein-before is directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court in *Scotland*; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid, for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not have been sued for by the said Commissioners as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall, in the Option of the said Committee of Management, absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Capital Stock; and all Shares that shall or may be so forfeited shall be vested in the said Commissioners in Trust for and for the Benefit of all the rest of the said Commissioners, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management, be sold by them by public Auction for the most Money that can be got for the same, and the Produce thereof shall be added to the said Capital Stock, and applied towards the Purposes of this Act, but without Prejudice to the said Committee suing for Payment of such Shares, and recovering the same as aforesaid, if they think fit; and in the Event that any Person or Persons paying any such First Call as aforesaid shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be thereafter called for as aforesaid, and for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not be sued for by the said Committee of Management, or if sued for shall not be recovered by them, then and in such Case such Share or Shares may be sold by the said Committee of Management, by public Auction, for the highest and best Price or Prices that can be got for the same, every such Sale being advertised at least once a Week for Three Weeks successively in some Two or more of the Newspapers published in *Glasgow*; the said Commissioners, or Committee of Management, rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and for which Account a Sum shall be paid to the Clerk of the said Commissioners at the Rate

of Sixpence for every Seventy-two Words thereof by the Person or Persons demanding the same, and the said Committee of Management paying to every such Person or Persons any Overplus of such Price or Prices, after deducting all Charges, and such farther proportionable Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Commissioners.

XXXVI. And be it further enacted, That in Actions brought by the said Committee of Management against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Commissioners for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Committee of Management to declare and allege that the Defender or Defenders, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Commissioners in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such and so many Call or Calls of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defender or Defenders (as the Case may happen to be), whereby an Action hath accrued to the said Committee of Management by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defender or Defenders, at the Time of making such Call or Calls, had subscribed for or otherwise was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or other Matters whatsoever; and the said Committee of Management shall thereupon be entitled to recover the Call or Calls which shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten *per Centum* of the Subscription, or was made without the Orders of the Committee, or was made within the Distance of One Calendar Month without Notice given as aforesaid.

Directions
for Proceed-
ings in Ac-
tions for
Calls.

XXXVII. And be it further enacted, That after such a Call of Money shall have been made by such Committee as aforesaid, every Person and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Capital Stock shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act, unless such Person or Persons so selling or transferring shall at the Time of such Sale or Transfer have paid and discharged to the Treasurer of the said Commissioners the whole and entire Sum of Money which shall have been called for upon each Share so sold and transferred.

Persons
selling Shares
after a Call
to be liable
for such
Call.

XXXVIII. And be it further enacted, That the said Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Street or Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk, and after such Entry to cause the same to be signed by their Chairman; and shall also cause a Certificate, so signed by the Chairman and Clerk, to be delivered to every Proprietor on demand, specifying the Share or Shares

Names of
Proprietors
to be entered,
and Certifi-
cates of their
Shares deli-
vered to
them.

to which he or she is entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

For the Purpose of recovering Calls, who to be deemed Proprietors.

XXXIX. And be it further enacted, That the Bodies Politic and Corporate and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Capital Stock, either as a Proprietor or Proprietors of One or more Share or Shares in the said Capital Stock, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeiture of Shares to the Proprietors thereof shall, if given to the Persons appearing by the said Register Book of the said Commissioners to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book of the said Commissioners shall so appear to be Proprietor thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Commissioners to recover the said Calls, or to entitle any Persons to recover any Share or Shares forfeited to the Commissioners, or to make the said Commissioners liable to the Payment of Dividends to any other Person than such as appear upon the said Book to be Proprietors of the said Shares, but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

Rights of Magistrates reserved.

XL. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, and Powers which now belong to or are enjoyed by the Magistrates and Council of *Glasgow* in virtue of former Acts of Parliament, Royal Charters, or immemorial Usages, except in so far as expressly altered by this Act for the Purposes thereof alone.

Public Act.

XLI. 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.