



ANNO SEXTO

GEORGIIV. REGIS.

Cap. lxxv.

An Act to alter and amend Two Acts of the Fifty-fourth and Fifty-ninth Years of His late Majesty for erecting and maintaining a New Court House and other Offices for the City and County of *Aberdeen*; and for providing an additional Gaol for the said City and County; and to provide a safe and convenient Place for the Custody and Preservation of the Public Records of the said City and County; and for other Purposes connected therewith. [20th May 1825.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting and maintaining a New Court House and other Offices for the City and County of Aberdeen, and for providing and maintaining an additional Gaol for the said City and County, and for other Purposes relating thereto*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act to alter and amend an Act of the Fifty-fourth Year of His present Majesty, for erecting and maintaining a New Court House and other Offices for the City and County of Aberdeen, and for providing and maintaining an additional Gaol for the said City and County, and for other Purposes relating thereto*: And whereas the Commissioners appointed in and by the said recited Acts have proceeded partly in the Execution of the same, by levying the Assessments of Six thousand Pounds and Ten thousand Pounds thereby

[Local.] 17 Y authorised;

54 G. 3. c. 100.

59 G. 3. c. 33.

Powers of
former Acts
extended to
this Act.

authorised; and by purchasing and appropriating the Ground described in the said last recited Act; and have erected and completed a Court House for the said City and County, and other Apartments connected therewith; but the Provisions of the said Acts have been found insufficient to answer the various other Purposes thereby intended, and it is therefore expedient to alter, amend, and enlarge the Powers and Authority thereby given and granted: And whereas the Situation of the said intended Gaol, as described in the last recited Act, has been found on Examination very inconvenient and ill adapted for the Purpose, by reason of the Want of a sufficient Supply of good Water, its Contiguity to the Bridewell and House of Correction for the said City and County, and other Circumstances; and it hath therefore become necessary to alter the Situation appointed by the said last recited Act for erecting the same: And whereas the Building, called The Public Register Office, in which the Records of the Sheriff, Commissary, Justices of the Peace, Freeholders, and Commissioners of Supply of the said County of *Aberdeen* are now kept, constructed in or before the Year One thousand seven hundred and eighty-three, and vested in the President of the Society of Procurators or Advocates in *Aberdeen*, for the Use of the County and City of *Aberdeen*, from its inconvenient Construction has been found extremely ill adapted for the Preservation of the said Records, and for the other Purposes for which the same was intended; and it would be highly beneficial to the said City and County if Authority was given to dispose of the same, and to apply the Produce of such Sale in constructing proper and suitable Offices connected with the said New Court House and Gaol, for the Custody and Preservation of the Public Records of the said City and County, and for the other Purposes for which the said Building is now used; but as the said several Objects cannot be effected without the Authority of Parliament, 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 said recited Acts, passed in the Fifty-fourth and Fifty-ninth Years of the Reign of His said late Majesty, and all the Powers, Authorities, Provisions, Penalties, Matters, and Things of and in the said recited Acts contained, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same were repeated and re-enacted in this Act, in so far as the same are not altered, varied, or amended by this Act; and the Commissioners appointed and to be from Time to Time appointed under the Authority of this Act, shall have full Power and Authority, and are hereby authorised and required to carry the same into Execution, as fully and effectually to all Intents and Purposes as if the same were re-enacted in this Act; and the Gaol hereby authorised to be built shall be deemed, considered, and taken for the Purposes of the said Acts, as if such Gaol had been erected and built under the Authority of the said recited Acts.

Appoint-
ment of
Commis-
sioners.

II. And be it further enacted, That the several Persons named and elected, and to be from Time to Time named and elected, for executing the Powers given and granted by the said last recited Act, shall be, and they are hereby appointed Commissioners for the

the Purposes of this Act, and authorised and empowered to execute all and singular the Powers and Authorities hereby given and granted.

III. And be it further enacted, That all Land or Ground, Houses, Tenements, or other Hereditaments, taken, appropriated, or purchased under the Authority of the last recited Act, for the Purpose of building the said intended Gaol, and all Materials purchased or acquired, and all Money levied and raised under the Authority of the said Acts, and not required, used, or expended under the Authority of the same, shall, from and immediately after the passing of this Act, be vested in the several Persons herein-before appointed Commissioners for executing the same.

Premises taken, appropriated or purchased under all former Acts, vested in present Commissioners.

IV. And be it further enacted, That the said Commissioners shall hold their First stated Meeting for the Execution of this Act, within the Ordinary Court House of *Aberdeen* on the Fourth *Monday* after the passing of this Act, or as soon thereafter as conveniently may be, of which First Meeting the Clerk to the Commissioners of Supply of the said County is hereby directed and required to give Notice by Advertisement in One or other of the *Aberdeen* Newspapers, at least Eight Days before the Day of such Meeting; and that the said Commissioners shall thereafter hold their Meetings at the several Times, and at the Place directed and appointed by the said recited Act of the Fifty-fourth Year of the Reign of His said late Majesty.

First Meeting of the Commissioners.

V. And be it further enacted, That in case of the Death, Resignation, or Nonacceptance of any One or more of the Eight Commissioners chosen and elected, and to be from Time to Time chosen and elected under the Authority of the last recited Act, or of their ceasing or having ceased to be Heritors within the said City, or the Freedom and Liberties thereof, or to be Freeholders, Justices of the Peace, or Commissioners of Supply of the said County, it shall be lawful to and for the Heritors of the said City, Freedom, and Liberties, and to and for the Freeholders, Justices of the Peace, and Commissioners of Supply of the said County respectively, and they are hereby required to meet in the Ordinary Court House of the said City and County, within Twenty Days after such Vacancy or Vacancies shall have happened, and supply such Vacancy or Vacancies, by electing One or more Commissioners, in the Manner directed by the said last recited Act, in the Place or Stead of the Person or Persons so dying, resigning, not accepting, or becoming disqualified as aforesaid; of which Vacancy or Vacancies, the Clerk to the said Commissioners is hereby required to give Notice by public Advertisement, in some One or other of the *Aberdeen* Newspapers, within the Space of Ten Days after such Vacancy or Vacancies shall have occurred, and also of the Day and Hour of Meeting to supply such Vacancy or Vacancies.

For filling up Vacancies.

VI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorised and empowered to treat, contract, and agree with the several Persons having any Estate or Interest in the Tenements, Grounds, and other Hereditaments herein-after described, that is to say, the Tenements, Grounds, and Hereditaments situated within the said City of *Aberdeen*, and at present belonging

Commissioners to purchase Ground.

to

to the Mason Lodge called *The Aberdeen* or *St. John's Lodge*, or the Master or Treasurer or Office Bearers for behoof of the said Lodge; *Jean Marr* alias *Sutor*, Spouse of *Alexander Sutor*, Surgeon, residing at *Mains of Auchenhove* in the said County of *Aberdeen*; *James Anderson*, Hosier and Perfumer in *Aberdeen*; *Charles Bannerman*, now or formerly Clerk to *Gordon Barron* and Company, Manufacturers in *Aberdeen*; the Heirs of *George Ronald*, late Vintner in *Aberdeen*; the Heirs of *John Downie*, lately residing in *Aberdeen*; *Middleton Rettie*, Tinsmith in *Aberdeen*; the Dean of Guild of the City of *Aberdeen*; and *John Leith*, Coppersmith in *Aberdeen*; for the Purchase of the same, or of such Part or Parts thereof as may be required or deemed necessary for the Purposes of this Act; and that from and after Payment or Consignation of such Sum or Sums of Money as shall have been contracted and agreed upon between the Parties, or ascertained in Manner herein-after directed, the said Tenements, Ground, and other Hereditaments shall be vested in the said Commissioners for the Purposes of this Act, in such and the like Manner as if the same had been purchased under the Powers and Authority of the said recited Acts.

Corporations,
Minors, and
others, em-
powered to
convey
Property.

VII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Trustees, Tutors, and Curators for Infants, Minors, or Furious Persons, or others for whom they are Trustees, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Heritages required for the Purposes of this Act, whether by a Destination to a Series of Heirs, or under Settlement of Entail, to sell and convey, and they are hereby authorised and required to sell and convey the same or any Part thereof for the Purposes aforesaid to the said Commissioners; and all Contracts, Agreements, Sales, and other Conveyances that shall be so made shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or any other Matter or Thing whatever to the contrary thereof notwithstanding; and all such Trustees, Tutors, and Curators, Corporations, Proprietors, and other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

In case of
not agreeing
a Jury to be
summoned.

VIII. And be it further enacted, That in case the said Commissioners, and the Proprietor or Proprietors, Occupier or Occupiers, or other Persons having any Estate or Interest in the Lands, Tenements, and other Heritages hereby authorised to be purchased, cannot agree on the Price or Consideration to be paid for the same, or any Part thereof, or in case such Proprietor or Proprietors, Occupier or Occupiers, or other Persons shall be absent, or from any other Cause shall be hindered or prevented from treating, or shall refuse or delay after Twenty-one Days previous Notice to be given to him, her, or them, or left at or upon the Lands, Tenements, or other Heritages hereby authorised to be purchased requiring such Proprietor or Proprietors, Occupier or Occupiers, or other Person to enter into an Agreement for the Price or Consideration to be paid for the same, it shall be lawful to and for the said Commissioners to apply by summary Petition to the Sheriff Depute of the said County, or his Substitute, who is hereby empowered and required to order and direct a Jury of Seven Persons to be summoned and chosen in the Manner in which Juries are summoned and chosen by Sheriffs in *Scotland*; which

which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute, or his Substitute, is hereby authorised and required to administer,) shall enquire into and estimate the Sum or Sums of Money to be paid by the said Commissioners for such Lands, Tenements, or other Heritages, or for the Loss or Damage which any Person or Persons having an Interest in the same may suffer or sustain; and after a Verdict is pronounced by the said Jury the said Sheriff Depute, or his Substitute, shall decern the Sum or Sums of Money thereby awarded to be paid by the said Commissioners to the Person or Persons entitled thereto, which Verdict and the Judgment or Decrees following thereupon shall be binding, final, and conclusive to all Intents and Purposes whatsoever, and shall not be subject or liable to Review or Alteration by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

IX. And be it further enacted, That after Payment of such Sum or Sums of Money as shall have been agreed upon between the Parties, or as shall have been awarded and decreed in Manner aforesaid to the Person or Persons entitled to receive the same; or in case of his, her, or their Absence or Refusal to accept the same, upon Consignation thereof into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, it shall and may be lawful to and for the said Commissioners to enter into or upon such Lands, Tenements, or Heritages, and to take down any Houses or other Buildings thereupon; and the same, and all the Estate, Right, Title, and Interest of every other Person or Persons in the same, shall immediately, on such Payment or Consignation, vest in the said Commissioners for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the Proprietor or Proprietors, or Occupier or Occupiers, or other Person having any Estate or Interest therein, had executed regular Dispositions of the same, and Infeftments had followed thereupon; and no Stop shall be put to the Operations of the said Commissioners on Pretence of settling the said Damages, or that the same have not been satisfied and paid; and in case any Warrant shall have been obtained for stopping the Execution of any of the Operations hereby authorised, the Judge who granted the same, or any other competent Judge, upon a Representation from the said Commissioners, is hereby directed, and required immediately to recall such Warrant, and remove any Sist that may have been obtained as aforesaid; Provided always, that until such Payment or Consignation as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under the Authority of this Act, to take down, remove, or otherwise affect any House or other Heritage hereby authorised to be purchased, without the Leave and Consent in Writing of the Person or Persons respectively entitled to such Payment or Consignation.

On Payment
of Money
Commis-
sioners may
take Lands.

X. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for a Recompence or Satisfaction for any Lands, Buildings, Tenements, or other Heritages of or belonging to any Body or Bodies Politic or Corporate, or to any Person or Persons whomsoever, than had been previously offered by or on Behalf of the said Commissioners, or where no Compensation had been previously offered or tendered by or on
[Local.]

Expense of
Jury and
Witnesses,
by whom to
be paid.

Behalf of the said Commissioners; or where, by reason of Absence in Foreign Countries or other Impediment as aforesaid, there shall not be found any Person or Persons who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensations from the said Commissioners as herein-before mentioned, then and in all such Cases all the Expences of impannelling, summoning, and returning such Jury and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Commissioners; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, after Demand made, then the same shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act; but if any Verdict shall be given for the same Sum as had been previously offered by or on Behalf of the said Commissioners, or for a less Sum than had been so previously offered, the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid in the Manner following; (that is to say) One Moiety or Half Part of such Costs and Expences shall be borne and paid by the said Commissioners, and the other Moiety or Half Part thereof by the Body or Bodies Politic or Corporate, or other Person or Persons with whom the said Commissioners shall have such Disputes or Controversies; which said last mentioned Moiety of the said Costs and Expences shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and the Payment or Consignation of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Consignation of the whole Sum or Sums so assessed and adjudged.

Penalty on
Jurymen
and Wit-
nesses not
appearing.

XI. And be it enacted, That the Sheriff Depute or his Substitute shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Five Pounds Sterling, on any of the Persons who shall be summoned and returned on any Jury or Juries, who, without reasonable Excuse, shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or being so sworn, shall not give his or their Verdict; and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not without reasonable Excuse attend, or shall refuse to be sworn, (or being Quakers, to affirm), or who, being sworn, shall refuse to give his or their Evidence; and from Time to Time summarily to levy such Fine or Fines by Distress and Sale of the Offender's Goods, with the reasonable Charges of such Distress and Sale, returning the Overplus (if any), to the Owners; all such Fines to be applied for the Purposes of this Act.

Application
of Compen-
sation Money
when ex-
ceeding 200^l.

XII. 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 Acts or of 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

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 authorise 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.

XIII. 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 Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands under the like Direction and Authority, be paid into any of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed so far as the Case may be applicable.

If under
200l. and
above 20l.

XIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied

When under
20l.

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 this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit, or, in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
Questionable
Title, &c. &c.

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

In case of
not making
out Titles,
or if Persons
cannot be
found,
Purchase
Money to
be paid into
the Bank.

XVI. 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, Tenements, or Heritages to be purchased by virtue of this Act, 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 such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Tenements 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 to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them); subject to the Order, Control, and Disposition of the Court of Session; which said Court, 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 is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in
the

the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, 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 the Bank as aforesaid.

XVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, or either of them, and to be applied in the Purchase of other Lands, Tenements, and Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts or this Act, or so much of the said Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Expences
of Pur-
chases may
be allowed
by the
Court.

XVIII. And be it further enacted, That the said Gaol, Offices, and Buildings shall be constructed, erected, and built on an Area of Ground attached to the said Court House, which was purchased by the Commissioners acting under the Authority of the last recited Act, or on so much or such Part thereof as, with the additional Area herein-before authorised to be purchased, shall be necessary for the Construction thereof; with the Yards, Airing Grounds, Passages, Avenues, and other necessary Accommodations hereby authorised and directed to be provided; and such Gaol shall be erected and built with all suitable Apartments, Furniture, and Conveniences for the Confinement of Civil Debtors and Criminals, and others liable to Incarceration, with proper Yards and Airing Grounds for the Classification and Work of Prisoners, and in all Respects in such Manner as the said Commissioners shall deem right, with proper Avenues and Passages leading to and from the said New Court House; and the Use of such Yards and Airing Grounds by the Prisoners confined in such Gaol, or the Removal of such Prisoners from one Part of such Gaol to the other, or to the Court House or Apartments connected therewith, shall not be deemed or taken to be an Escape or Escapes, any Law or Laws to the contrary thereof in anywise notwithstanding.

Scite of the
Gaol.

XIX. And in order to secure a proper and sufficient Supply of Water for the Use of the said Gaol, be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and empowered to agree with the Commissioners appointed under the Authority of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages of the City of Aberdeen, and the Roads and Avenues within the Freedom and Royalty thereof, and for supplying the Inhabitants of the said City with Water*, or with such other Person or Persons in whom the

Supply of
Water.

58 G.3. c.59.

Streams, Fountains, or Reservoirs used for the Supply of the said City, shall be from Time to Time vested, for a constant and regular Supply of Water for the Use of the said Gaol, from any of the Streams, Fountains, or Reservoirs under their Management; and the Commissioners hereby appointed are hereby authorised and required to lay out and expend such Sum or Sums of Money as may be necessary, for continuing and carrying forward into the said Gaol, the Pipe which at present supplies with Water the said Court House, built under the Authority of the said recited Act, and for sinking new or additional Wells within the Area set apart for the said Gaol, for building proper Cisterns or Reservoirs, and providing Machinery and other Apparatus for raising and conveying the Water to the different Parts of the said Gaol, in such Manner as the said Commissioners shall judge requisite and proper.

Removal of
Prisoners to
New Gaol.

XX. And be it further enacted, That when such intended Gaol shall be completed and made fit for the Reception of Prisoners, the said Commissioners, or a Majority present at a Meeting called for that Purpose, shall cause Notice thereof in Writing to be given to the Magistrates and Town Council of the said City of *Aberdeen*, and to the Keeper or Keepers of the present Gaol, who shall respectively remove to such New Gaol all or any of such Debtors, Felons, and other Prisoners then in Custody as they may think proper; and such New Gaol, together with the present Gaol of the said City and County, situated near the said Court House in the Street called *Castle Street* of *Aberdeen*, shall be considered, taken, and made use of in all Time thereafter as the Common Gaol of the said City and County of *Aberdeen* for Debtors and Criminals of every Description, and for Prisoners to be brought to Trial, and tried and sentenced at the Circuit Courts of Justice, or other competent Courts held or to be holden at *Aberdeen* or within the said County, and for all other Purposes whatsoever for which the present Gaol is or can be used; and it shall be in the Power of the said Magistrates of *Aberdeen*, as the legal Keepers of the said Gaol, to confine Prisoners of all Descriptions either in the said New Gaol or in the old or present Gaol situated as aforesaid, or in such Parts of them or any of them as they may think proper; and to remove the said Prisoners from one Gaol to the other, and from one Part of the same Gaol to another Part, from Time to Time as they may judge most expedient for the safe and proper Custody and Classification of such Prisoners, and as Circumstances may render necessary and expedient; and such Removal or Removals shall not be deemed or taken to be an Escape or Escapes, any Law or Laws to the contrary notwithstanding.

Magistrates
and Council
to have
Charge of
New Gaol.

XXI. And be it further enacted, That the Magistrates and Council of the said City, and the Keeper or Keepers of the said Gaol, appointed or to be appointed by them, shall respectively be liable and answerable, to all Intents and Purposes whatsoever, for the safe Custody of all such Persons as may from Time to Time be committed to their or his Custody, and confined in either of the said Gaols, in like Manner as the Magistrates and Council of the said City and Keeper now are and is liable by Law for the safe Custody of all Persons committed to or confined in the present Gaol; and the Magistrates and Council of the said City shall have
the

the like Power over the said New Gaol and the present Gaol situated as aforesaid, as they now have over the present Gaol by any Law now in force, and shall be bound to defray the Expences necessary for keeping in Repair and maintaining the said several Gaols, and for keeping up and maintaining the necessary Establishment and other Charges thereof, in the same Manner and to the same Extent as they are bound with regard to the present Gaol, and as Magistrates of Royal Burghs in *Scotland* are bound with regard to the Gaols within their Burghs.

XXII. And in order to provide better Accommodation for the Public Records of the said City and County of *Aberdeen*, be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and empowered to treat and agree with the President of the Society of Procurators or Advocates in *Aberdeen*, and the other Persons in whom the said Building, called The Public Record Office, is vested, for the Disposal of the same; and if they shall come to an Agreement for that Purpose to erect or provide in or contiguous to the said Court House, or to the said intended Gaol, a suitable and proper Set of Apartments for the Custody, Security, and Preservation of the Public Records of the said City and County of *Aberdeen* respectively, and also for the Use and Accommodation of the said Society of Procurators or Advocates in *Aberdeen*, and of the several Officers, Clerks, and other Persons employed, or to be employed, in or using the said Building, in such Manner as shall have been agreed upon between them and the President of the said Society of Procurators or Advocates, and any other Person or Persons in whom the said Building is vested; and such Apartments and other Accommodation, when and so soon as the same shall be completed, shall ever afterwards be held and used for the several Purposes for which the same shall have been set apart in lieu of the said Building called The Register Office.

Power to the Commissioners to provide Apartments in lieu of the Record Office.

XXIII. And be it further enacted, That in the Event of such Agreement as aforesaid being made for the Disposal of the said Record Office, it shall and may be lawful for the President of the said Society, and the other Person or Persons in whom the said Building, called The Public Register Office, is now vested, to sell or dispose of the said Building and the Site thereof, together with the Closs and Offices behind the same, as described in the Rights and Title Deeds thereof; and such Sale, on a Conveyance being made to the Purchaser, and the Purchase Money paid to the President of the said Society, shall be good, valid, and effectual in Law; and the Money to be received on such Sale shall be paid by the President of the said Society to the said Commissioners hereby appointed for defraying the Expence of providing the Apartments and other Accommodations hereinbefore authorised to be erected, made, and provided in lieu of the said Building called The Public Register Office.

Power to the President of the Society of Advocates to sell the Record Office.

XXIV. And be it further enacted, That in order to defray the Expences of passing this Act, as the same shall be settled by the said Commissioners, at their First or any subsequent General Meeting, and the Execution of the Works hereby authorised, it shall and may be lawful for the said Commissioners hereby appointed, and they are hereby authorised and required, at their First or any subsequent General

Rates.

General Meeting, to cause to be levied and assessed such a Sum as they shall think necessary, not exceeding Seven thousand Pounds; and the said Sum so to be levied and assessed shall be payable by Two equal Rates or Instalments, One of such Rates or Instalments to be paid on the Twentieth Day of *December* next after the passing of this Act, and another thereof on the Twentieth Day of *June* One thousand eight hundred and twenty-six; and the whole of the said Sum of Seven thousand Pounds shall be imposed, assessed, and levied on the same Description of Persons and Property, and collected, paid over, and applied in the same Manner as the said Sums of Six thousand Pounds and Ten thousand Pounds were in and by the said recited Acts authorised to be levied, assessed, and paid; and the different Persons liable in the said Assessment shall be chargeable with the legal Interest of all Arrears of the Assessments hereby imposed, in the same Manner as in and by the said recited Acts of the Fifty-fourth and Fifty-ninth Years of the Reign of His late Majesty they are respectively made liable; and the Collectors of the said Assessment are to have the same Allowance, and be liable to the same Rate of Interest as is provided by the said recited Acts; but declaring nevertheless, that if it shall appear to the said Commissioners that from an Increase of the Number of Persons liable in the said Assessment under this Act, the Trouble of Collection will also be increased, they are hereby empowered to make such an additional Allowance therefore as they may deem reasonable, not exceeding Three-pence *per* Pound Sterling on the Sums collected under the Authority of this Act.

Power to raise a further Sum of 3000*l*.

to be raised by the County.

One Half by the City.

XXV. And be it further enacted, That in the Event of the said Commissioners finding it necessary, in order to enable them to carry into complete Effect and Execution the several Purposes of this Act, they shall be and are hereby authorised and empowered to cause to be raised, assessed, and levied such further Sum or Sums of Money as may be necessary for that Purpose, not exceeding in the Whole the Sum of Three thousand Pounds, which Sum of Three thousand Pounds shall be in lieu of the like Sum of Three thousand Pounds by the said Act of the Fifty-ninth Year of His said late Majesty authorised to be raised, in addition to the Sum of Ten thousand Pounds thereby authorised, and shall be taxed, assessed, levied, and paid in Manner and in the Proportion following; that is to say, One Half thereof by a Rate or Assessment upon the Heritors of Lands and Fishings within the County of *Aberdeen*, valued in the Cess Books of the said County, and also upon the Heritors of all Lands and Fishings within the Parish of *Saint Fergus*, the Lands of *Gavel*, and the Barony of *Fetterangus*, in the Parish of *Old Deer*; the Barony of *Gartly*, in the Parish of *Gartly*, and the Lands of *Straloch*, in the Parish of *New Machar*; and the other Moiety or Half Part upon the Heritors of all Lands, Tenements, Fishings, and Hereditaments within the said City of *Aberdeen*, Freedom and Liberties thereof; and the same shall be levied, raised, and paid at such Time or Times, and by such Instalments as the said Commissioners shall appoint, and shall be collected, paid over, and applied in the same Manner as the said Sum of Seven thousand Pounds is hereby authorised to be collected, paid over, and applied; and the Collectors thereof are to have the same Allowance, and are to be liable in the same Rate of Interest as is herein-before enacted

enacted and authorised with respect to the said Sum of Seven thousand Pounds; and the Proprietors of all Houses, Lands, and Fishings on which such Assessment is hereby authorised to be made, shall be liable in and chargeable with the legal Interest of all Arrears of such last-mentioned Assessment hereby authorised to be imposed, in the same Manner as they are herein-before declared to be liable in and chargeable with Interest on the said Sum of Seven thousand Pounds: Provided always, that such additional Assessment of Three thousand Pounds, or such less Sum as may be necessary for the Purposes aforesaid; shall not be imposed by the said Commissioners until the same is sanctioned, authorised, and approved of by a Majority of a General Meeting of the Freeholders, Justices of the Peace, and Commissioners of Supply of the said County, and by a Majority of a like General Meeting of the Heritors of Lands, Tenements, and Hereditaments within the said City and Freedom and Liberties thereof, to be held respectively at *Aberdeen*, upon Ten Days previous Notice of the said respective Meetings, which Notice shall specify the Object of such Meetings, and shall be given by the said Commissioners, or their Clerk, in any Newspaper circulating through the said City and County.

XXVI. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner or Partners, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner or Partners, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk, or in the Service or Employ of any such Clerk, or of his Partner or Partners, shall act as Treasurer, or being the Partner of such Treasurer, or the Clerk, or in the Service or Employ of any such Treasurer, or of his Partner or Partners, shall act as Clerk in the Execution of this Act, every Person 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 in any of His Majesty's Courts in *Scotland* by summary Complaint.

Same Person not to act as Clerk and Treasurer.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter, or cause to be entered, true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of the said Acts and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall be made up to the Twentieth Day of *June* in each Year, and which Book shall be presented to and audited by the Commissioners

Books to be kept of Accounts of Receipts, &c.

at their First Meeting, after the same shall be made up, and shall at all seasonable Times be open to the Inspection of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of the said Acts and this Act, or any Person or Persons paying such Rates, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, and any of them, shall and may take Copies of or Extracts from the said Book or Books, and any other Book or Books by this Act directed to be kept by such Treasurer, or any Part or Parts thereof respectively, without paying any Thing for the same; and in case the said Treasurer shall omit or neglect to make up the said Account, or refuse to permit the said Commissioners, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be levied, recovered, and applied, in Manner herein-after provided; and an Abstract of such Accounts, when the Whole of the Works hereby authorised shall have been completed, shall be published in One of the *Aberdeen* Newspapers.

Powers
vested in the
Commis-
sioners
under the
Act of
54 G. 3.

XXVIII. Provided always, and be it further enacted, That the Eight Persons elected and chosen, and to be from Time to Time elected and chosen Commissioners under the Authority of the last recited Act, in addition to the Commissioners appointed in and by the first recited Act, shall be and continue Commissioners under this Act until Two Months after all and singular the Works authorised by this Act shall have been completed and finished in Manner aforesaid, from which Period the Powers and Authorities hereby given to and conferred on the said Eight Commissioners shall cease and determine; and the several Persons elected, and to be from Time to Time elected, under and in pursuance of the said Act passed in the Fifty-fourth Year of the Reign of His late Majesty, shall be and are hereby nominated and appointed Commissioners for executing all the other Purposes of this Act, it being hereby declared that the said Works shall be deemed to be so completed and finished from the Date at which the Commissioners under this Act shall cause Notice thereof in Writing to be given to the Magistrates and Town Council of the said City of *Aberdeen*, and to the Keeper or Keepers of the present Gaol in Manner herein provided.

Commis-
sioners to
sell Houses,
Lands,
Tenements,
and Here-
ditaments
not required.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and required to sell, dispose of, and convey, or cause to be conveyed, all such Houses, Lands, Tenements, Hereditaments and Materials as shall have been taken, purchased, or appropriated under the Authority of this and the said recited Acts, or either of them, and shall not be required or used for the Purposes of this Act: Provided always, that such Houses, Lands, Tenements, and Hereditaments shall be first offered for Sale to the Party or Parties from whom the same have been respectively purchased; and all Monies arising from such Sales shall be applied by the said Commissioners towards the Expences to be incurred under the Authority of this Act; and whether such Sale or Sales shall be made or effected by the whole of the Commissioners hereby appointed, or after the Powers and Authority given and granted to the Eight Persons elected

elected and chosen, and to be from Time to Time elected or chosen Commissioners under the Authority of the last recited Act, shall have ceased by virtue of the Proviso and Declaration herein-before contained, such Sale or Sales, on a Conveyance or Conveyances being made to the Purchaser or Purchasers, and the Purchase Money paid to the Commissioners acting under the Authority of this Act, at the Time of such Sale or Sales, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever.

XXX. And whereas the Funds authorised to be raised by an Act passed in the Forty-second Year of the Reign of His said late Majesty, intituled *An Act for building and maintaining a House of Correction in and for the City and County of Aberdeen, and for raising a Fund for defraying the Charges of apprehending, prosecuting, and subsisting Criminals, Rogues, and Vagabonds found within the said City and Liberties thereof*; and also by the said recited Act of the Fifty-ninth Year of His said late Majesty, for defraying the Charges of apprehending and prosecuting Criminals, Rogues, and Vagabonds found within the said City of *Aberdeen* and Liberties thereof, and for subsisting and maintaining them, and keeping them in safe Custody after being apprehended, have been found insufficient for the Purposes thereof; be it therefore enacted, That over and above the Sums authorised to be levied by the Two last recited Acts, it shall and may be lawful to and for the Magistrates of the said City of *Aberdeen* and their Successors, and they are hereby authorised and empowered annually to tax and assess, or cause to be taxed and assessed by such and so many Stent Masters as they shall think proper to appoint, the Proprietors, Tenants, and Occupiers of all Lands, Burgh Roods, Fishings, and other Heritages within the said City, and Freedom and Liberties thereof, in One Penny Sterling on each One Pound Sterling of the real Rent of all such Lands, Burgh Roods, Fishings, and other Heritages, and also the whole Occupiers and Possessors, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings within the said City itself, and Royalty thereof, rented at or above Two Pounds Sterling yearly, in Two-pence Sterling on each Pound Sterling, of the real Rent of all such Houses, Shops, Cellars, Warehouses, and other Buildings, and that proportionally, according to the several Rents at which the said Lands, Burgh Roods, Fishings, and other Heritages shall stand respectively charged for the Time in the Tax Roll of the said City for their Proportions of the King's Subsidy, and also according as the said Houses, Shops, Warehouses, and other Buildings within the said City and Royalty, shall be rated and charged by the Commissioners of Police, for the Police Tax of the said City, under the present or any future Act of Parliament to be obtained for the Regulation and Improvement of the said Police; and the Commissioners of Police of the said City, appointed by the present or any future Act of Parliament as before mentioned, shall be obliged, and they are hereby required to give in and deliver to the said Magistrates of *Aberdeen* for the Time, in the Month of *September* yearly, a certified Copy of the Police Rent Roll, annually made up by them, of all the said Houses, Shops, Cellars, Warehouses, and other Buildings within the said City and Royalty, with the Names and Designations of the Occupiers and Possessors

Assessment
for Rogue
Money
within the
City.

Possessors thereof, for which Rent Roll the Clerk of the said Commissioners of Police shall have such Allowance as the said Commissioners of Police and the said Magistrates may think reasonable, according to which Rent Roll the aforesaid Assessment of Two-pence Sterling on each Pound Sterling of Rent thereof, shall be ascertained and imposed as aforesaid, and which Assessment shall be levied, collected, and accounted for along with the other Taxes payable within the said City and Liberties, by such Person or Persons and in such Manner as the said Magistrates and their Successors shall from Time to Time appoint, and shall be applied and appropriated in aid of the Funds authorised to be raised by the said Acts of the Forty-second and Fifty-ninth Years of the Reign of His said late Majesty, for apprehending and prosecuting Criminals, Rogues, and Vagabonds found within the said City of *Aberdeen* and the Freedom and Liberties thereof, and for subsisting, maintaining, and keeping them in safe Custody after being apprehended; and for no other Purpose whatsoever; and the said Magistrates of the said City shall in each and every Year, in the Month of *September*, make up a just and true Account, of all Sums of Money received and paid in the Name of Rogue Money, under this and the said recited Acts, a Copy or Duplicate of which Account shall be deposited with the Town Clerk of *Aberdeen*, who shall be obliged and is hereby required to permit any Person assessed, as aforesaid, to inspect and examine the said Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection; and the said Clerk shall also upon Demand give certified Copies or Extracts of the said Accounts, to any Person requiring the same, upon Payment of such reasonable Fee or Reward for his Trouble as the said Magistrates shall determine and appoint; and an Abstract of such Account shall be published in the *Aberdeen* Newspapers; and in case it shall appear that the said Rates or Assessments hereby authorised, together with the Rogue Money at present payable in the said City and Liberties, will raise more Money than will be sufficient to meet the necessary Charges and Expences to which the said Assessments and Rogue Money are appointed to be applied, then the said Magistrates shall, and they are hereby directed and required to reduce the said Rates or Assessments to such Sum as will in their Estimation be sufficient to meet such Charge, and again to raise the same, if necessary, to such Sum as they shall think proper, not exceeding the respective Rates herein-before authorised to be rated and assessed.

Public Act.

XXXI. 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.

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