



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 21.

An Act for extending the Royalty of the City of *Edinburgh*; for disannexing Part of the Parish of *Saint Cuthberts* from the said Parish, and uniting it to the Parish of *Saint Andrew*; for further regulating the Assessment for the Poor in the said Parishes; for erecting Two new Churches; for discontinuing certain Churches, and annexing the Parishes thereof to other Parishes; for further regulating the Revenues of the said City applicable to the Payment of Ministers Stipends; and for draining the Meadow on the South Side of the said City.

[28th April 1809.]

WHEREAS, by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for extending the Royalty of the City of Edinburgh over certain adjoining Lands, and for giving Powers to the Magistrates of Edinburgh, for the Benefit of the said City; and to enable His Majesty to grant Letters Patent for establishing a Theatre in the City of Edinburgh, or Suburbs thereof*; the Royalty of the said City, and the Jurisdiction of the Lord Provost, Magistrates, and Council thereof were extended over certain Lands and Grounds adjacent to the said City; and by another Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for opening* 7 G. 3. c. 2.
[*Loc. & Per.*] 25 G. 3. c. 28
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an easy and commodious Communication from the High Street of Edinburgh to the Country Southward, and also from the Lawn Market to the new extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that Purpose; for widening and enlarging the Streets of the said City, and certain Avenues leading to the same; for rebuilding or improving the University; for enlarging the Publick Markets and Communications thereto; for regulating certain Taxes, for lighting the said City, for providing an additional Supply of Water, for extending the Royalty of the said City, and for levying an additional Sum of Money for Statute Labour in the Middle-District of the County of Edinburgh; and another Act, passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled,

26 G. 3. c. 113. *An Act for widening several Streets in the City of Edinburgh, for opening a Communication from Queen's Street to Broughton Loan, for enlarging the Burial Ground, and for extending the Royalty of the said City over Part of the Lands of Broughton; the Royalty of the said City and the Jurisdiction of the said Lord Provost, Magistrates, and Council were further extended over other Lands and Grounds adjacent to the same: And whereas the said City having been greatly increased and improved since the said last recited Act was passed, it has become expedient and necessary further to extend the Royalty of the said City, and the Powers, Authorities, and Jurisdictions of the said Lord Provost, Magistrates, and Council thereof over certain other Lands and Grounds adjacent or contiguous to the said City; the Proprietors of which Lands and Grounds have either already consented, or are bound by their Title Deeds to consent thereto, or shall hereafter consent to the same in Manner herein-after mentioned: And whereas it will be of Benefit to the Community of the said City, if certain Parts of the Parish of *Saint Cuthberts* or *West Kirk*, adjacent to the said City, were disjoined from such Parish, and annexed to the Parish of *Saint Andrew*, within the said City, and if certain further Regulations were made relative to the Assessment for the Poor within the said Parishes of *Saint Cuthberts* or *West Kirk*, and *Saint Andrew*: And whereas it would be of great Convenience to the Community of the said City and Places adjacent if Powers were given to the said Lord Provost, Magistrates, and Council to erect two new Churches in convenient Situations within the extended Royalty or adjacent thereto, and if one or more of the present Churches within the antient Royalty were discontinued, and the Parishes thereof annexed to other Parishes within the said City, and if further Regulations were made and Powers given to the said Lord Provost, Magistrates, and Council, in regard to the raising and applying the Funds and Revenues at present levied in the said City applicable to the Payment of Ministers Stipends: And whereas by the said recited Act of the Twenty-fifth Year of the Reign of His present Majesty, Power was given to the said Lord Provost, Magistrates, and Council, to drain the Meadow on the South Side of the said City; and by another Act, passed in the Twenty-seventh Year of the*

27 G. 3. c. 51. *Reign of His present Majesty, intituled. An Act for making a Road from Saint Bernard's Street, in the Town of Leith, to the Foot of Leith Walk, in the County of Edinburgh, and for widening and enlarging certain Streets in the City of Edinburgh, and the Avenues leading to the same, and for amending Two several Acts passed relative to the said City, in the Twenty-fifth and Twenty-sixth Years of His present Majesty's Reign, other Powers were granted for that Purpose; but further Powers and Authorities are necessary before the draining of the said Meadow can be completely carried into effect: But as these several Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty*

that

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, from and after the passing of this Act the Royalty of the City of *Edinburgh* shall be extended over, and comprehend the Lands particularly after described, lying within the Parish of *Saint Cuthberts* or *West Kirk*, adjacent to the said City, and within the Boundaries following; *videlicet*, the Lands belonging to the Community of the City of *Edinburgh*, and to the Governors of *George Herriot's* Hospital, and to their respective Feuars and Vassals who are or may be bound by their Feu Charters, or other Title Deeds, to consent to the Extension of the Royalty of the said City over their respective Properties, the Lands originally feued by the Governors of the said Hospital to *David Stewart* Esquire, and other Lands bounded on the East by the High Road leading from the East End of *York Place*, till it joins the Water of *Leith* at *Canonmills Bridge*; on the North by the Water of *Leith* from *Canonmills Bridge* to *Stock Bridge*; on the West by the *Old Kirk Road*, leading from *Stock Bridge* along the East Side of the Property of the Earl of *Moray* to *Queen Street*, in the present extended Royalty; and on the South by the present extended Royalty from the Point where the aforesaid *Old Kirk Road* joins *Queen Street* Eastward, to the Point first above mentioned, at the East End of *York Place*; and that the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, shall, with the Exceptions, and under the Conditions hereinafter mentioned, have and enjoy the same Rights, Privileges, and Jurisdictions, over the said Grounds by this Act annexed to and comprehended in the said Royalty, as they at present have and enjoy over and within the Limits of the extended Royalty, by any Law, Statute, or established Custom.

Royalty of the City to be extended over certain Grounds in *St. Cuthberts* Parish.

II. And be it enacted, That from thenceforth the said Lord Provost Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, shall be, and they are hereby authorized and empowered, to stent or assess and levy from the Proprietors and Occupiers of all such Houses, as are at present built and erected, or shall be hereafter built and erected, upon the aforesaid Grounds hereby annexed to and comprehended in the said Royalty, an equal Proportion of the Cess, Annuity, Poors Money, and other Duties, with those stented or assessed and levied, or that may be stented or assessed and levied, by the said Lord Provost, Magistrates, and Council, from the Proprietors and Occupiers of Houses in the extended Royalty, in the same Way and Manner, and with such and the same Remedies at Law, in case of Non-payment, as are practised or competent by any Law, Statute, or Custom, within the said extended Royalty.

Magistrates to stent or assess the Inhabitants of the extended Royalty.

III. And whereas certain Pieces of Ground within the Boundaries before-mentioned, over which the Royalty of the said City of *Edinburgh* is by this Act extended, belong to Proprietors other than the Community of the said City, and the Governors of *George Herriot's* Hospital, and their respective Feuars and Vassals so bound to consent as aforesaid, or those now in Right of *David Stewart* Esquire; be it enacted, That such Pieces of Ground shall not be comprehended within the Royalty of the said City; nor shall the same, nor the Proprietors or Occupiers of any Houses erected and built, or that may be erected and built thereon, be subject and liable to any Rights, Privileges, or Jurisdictions of the said Lord Provost, Magistrates,

An Option granted to the Proprietors of certain Pieces of Ground.

gistrates, and Council, or their Successors in Office, nor to their Powers of stenting or assessing and levying, by this present Act, in Manner before-mentioned, extended over the Grounds within the Boundaries aforesaid, and the Proprietors and Occupiers of Houses within the same, unless the Proprietor or Proprietors of the Pieces of Ground before-mentioned shall signify his, her, or their Consent thereto, by any Writing under his, her, or their Hand or Hands, duly executed according to the Forms of the Law of *Scotland*, such Consent or Consents to be recorded by the Person or Persons making the same in the particular Register of Sasines kept at *Edinburgh*, for the Shires of *Edinburgh*, *Linlithgow*, *Haddington*, and *Bathgate*.

Extension of the Royalty to be subject to the Provisoes, &c. of 7. G. 3.

IV. And be it enacted and declared, That the Extension of the Royalty over the Grounds within the Boundaries before-mentioned is hereby made and granted, with and under all and every the Clauses, Provisoes, Declarations, Exemptions, and Reservations in favour of His Majesty and others, specified and contained in the before-recited Act of the Seventh Year of the Reign of His present Majesty.

Grounds within the Boundaries to be disjoined from St. Cuthberts, and annexed to the Parish of St. Andrew:

V. And be it enacted, That from and after the passing of this Act, all the Grounds within the Boundaries and Limits before-mentioned, as well those which are hereby comprehended in or annexed to the Royalty of the said City, as those which may be comprehended therein or annexed thereto, in virtue of the Option herein-before allowed, shall be for ever disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, adjacent to the City of *Edinburgh*, and shall be annexed to the Parish of *Saint Andrew*, within the said City.

But to remain subject to Minister's Stipend, &c. in St. Cuthbert's Parish.

VI. Provided always, and be it enacted, That the whole of the Grounds so disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, and the Heritors thereof, shall remain liable to and subject in Payment of the Minister's Stipend, and other Parochial Burdens payable in the said Parish of *Saint Cuthberts* or *West Kirk*, (excepting the Burden of building and repairing Kirks, Manfes, and Kirkyard Dykes, and also excepting the Assessment for the Poor of the said Parish, as herein-after mentioned) in the same Manner as if this Act had not been made; and that the Teinds payable out of the Grounds hereby disjoined and annexed as aforesaid, shall be and the same are hereby saved and reserved to the true Owners thereof.

New extended Royalty to be freed from the Assessment for the Poor.

VII. And be it enacted, That the aforesaid Grounds hereby disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, with the Houses already built and erected, or that may be built and erected thereon, in so far as the same are, or in consequence of the aforesaid Option may be, comprehended in and annexed to the Royalty of the said City, shall, from and after the Term of *Whitsunday*, or the Fifteenth Day of *May* One thousand eight hundred and eight, be, and they are hereby for ever freed and relieved of and from all and every Assessment imposed or that may be imposed for the Poor of the said Parish of *Saint Cuthberts* or *West Kirk*, and every Part thereof, as to such Part thereof as may be annexed to and comprehended in the extended Royalty, from and after the passing of this Act; and as to the Remainder thereof, from and after the Date of the recording, in the Register of Sasines before-mentioned, the Declaration of such Consent or Consents as aforesaid, by the Proprietor or Proprietors thereof: Provided always, that the Grounds and Houses that shall not be comprehended in and annexed to the Royalty

of the said City, in virtue of the Option granted to the Proprietors thereof, as before-mentioned, and the Grounds and Houses as to which such Option shall be exercised, till the same be exercised and recorded in Manner before-mentioned, shall continue liable to the Assessment for the Poor of the said Parish of *Saint Cuthberts* or *West Kirk*, in the same Manner as if this Act had not been made.

VIII. And be it enacted, That in lieu and place of the aforesaid Assessment for the Poor of the said Parish of *Saint Cuthberts* or *West Kirk*, from which the Grounds and Houses before mentioned are hereby or may be relieved by the Exercise of the Option herein-before mentioned, the Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, shall be and they are hereby bound and obliged to make Payment to the Treasurer or Collector of the Assessment for the Poor appointed, or that may be appointed by the Heritors and Kirk Session of the aforesaid Parish of *Saint Cuthberts* or *West Kirk* for the Time being, for Behoof of the Poor of the said Parish, of the Sums of Money following; *videlicet*, the Sum of One hundred and fifty Pounds Sterling *per Annum* during Five Years, to be computed from and after the said Term of *Whitsunday*, or the Fifteenth Day of *May* One thousand eight hundred and eight, and the Sum of Two hundred Pounds Sterling *per Annum* in all Time thereafter; the said Sums to be payable by two equal Moieties in each Year, at the Terms of *Candlemas* and *Martinmas*, and the First Payment to commence at the Term of *Martinmas* One thousand eight hundred and eight: Provided always, that if the Assessment for the Poor of the Parish of *Saint Cuthberts* or *West Kirk* shall in any one Year exceed the Rate of Five Pounds *per Centum* upon the real Rent of the Parish, in that Case the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be and they are hereby bound and obliged to make Payment to the said Treasurer or Collector, as often as this may happen, of such Excess above such Rate of Five Pounds *per Centum* as may correspond to a Rent of Four thousand Pounds Sterling *per Annum*.

Annual Sums
to be paid in
lieu of such
Assessment.

IX. And be it further enacted and declared, That the Grounds formerly disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, and comprehended in and annexed to the extended Royalty of the said City of *Edinburgh*, in virtue of the said recited Acts or any of them, together with the Houses built and erected, or that may be built and erected thereon, and the Proprietors and Occupiers thereof, shall be in like Manner, and they are hereby freed and relieved from the Payment of all Assessments imposed or that may be imposed for the Poor of the said Parish of *Saint Cuthberts* or *West Kirk*, and every Part thereof, with all and every Claim and Demand on that Account for all Time past or Time to come.

Former ex-
tended Royalty
to be also freed
from the
Assessment
for the Poor.

X. And be it enacted, That in lieu and place of the last-mentioned Assessments for the Poor of the said Parish, the Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, shall be and they are hereby bound and obliged to make Payment to the said Treasurer or Collector of the Assessment for the Poor, appointed or that may be appointed by the Heritors or Kirk Session of the aforesaid Parish of *Saint Cuthberts* or *West Kirk* for the Time being, for the Behoof of the Poor of the said Parish, of the Sum of One hundred Pounds Sterling *per Annum* from and after the Term of *Whitsunday*, or the Fifteenth Day of *May* One thousand eight hundred and eight, to be payable by Two equal Moieties in each Year, at the Terms of *Candlemas* and *Martinmas*, the

Annual Sums
to be paid in
lieu thereof.

First Payment to commence at the Term of *Martinmas*. One thousand eight hundred and eight: Provided always, that if the Assessment for the Poor of the said Parish of *Saint Cuthberts* or *West Kirk* shall in any One Year exceed the Rate of Five Pounds *per Centum* upon the real Rent of the Parish, in Manner before-mentioned, in that Case the said Lord Provost, Magistrates and Council, and their Successors in Office, shall be and they are hereby bound and obliged to make Payment to the said Treasurer or Collector as often as this may happen, of such Excess above such Rate of Five Pounds *per Centum* as may correspond to a Rent of Two thousand Pounds Sterling *per Annum*.

The Magistrates of Edinburgh to be indemnified out of the Poores Money to be levied by them in the extended Royalty.

XI. And be it enacted, That the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and their Successors in Office, shall be fully indemnified and relieved of and from all such Sum or Sums of Money, as shall be or may have been paid by them in Manner before mentioned, to the said Treasurer or Collector of the Assessment for the Poor appointed, or that may be appointed by the Heritors and Kirk Session of the said Parish of *Saint Cuthberts* or *West Kirk*, for Behoof of the Poor of the said Parish, on Account of the Grounds by this present Act disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, and the Houses built and erected, or that may be built and erected thereon, and shall be entitled to Repayment of, and shall be repaid, all and every such Sum and Sums of Money so paid by them in Terms of this Act, or of any Agreement made or to be made between the said Lord Provost, Magistrates, and Council, and their Successors in Office, and the Heritors and Kirk Session of the said Parish, out of the first and readiest of the Sums to be assessed and levied in Name of Poores Money, upon the Proprietors and Occupiers of Houses built and erected, or that may be built and erected upon the Grounds hereby disjoined as aforesaid, from the said Parish of *Saint Cuthberts* or *West Kirk*; and that the said Lord Provost, Magistrates, and Council, and their Successors in Office, are and shall be fully indemnified and relieved, and entitled to Repayment of, and shall be repaid the aforesaid Sum of One hundred Pounds Sterling *per Annum*, and Excess above Five Pounds *per Centum*, (if any be), corresponding to a Rent of Two thousand Pounds Sterling *per Annum*, on Account of the Grounds which by the said recited Acts of the Seventh, Twenty-fifth, and Twenty sixth Years of the Reign of His present Majesty, were disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*, and the Houses built and erected, or that may be built and erected thereon, out of the first and readiest of the Sums to be assessed and levied in Name of Poores Money upon the Proprietors and Occupiers of the said last mentioned Houses, together with the legal Interest of the whole respective Sums aforesaid, from the respective Times of paying the same until Repayment thereof; and the Collector or Collectors of, and Intromitter or Intromitters with, the aforesaid Sums to be assessed and levied in Name of Poores Money within the said Royalty, whether extended by the said recited Acts, or by this Act, shall be, and they are hereby appointed and required to make Payment thereof accordingly.

The Magistrates to have no Claim on the Inhabitants of *St. Cuthberts* for Relief of the Poor, within the City, &c.

XII. Provided always, and be it hereby specially enacted and declared, That notwithstanding the aforesaid Payments to be made for Behoof of the Poor of the said Parish of *Saint Cuthberts* or *West Kirk*, neither the Community of the said City of *Edinburgh*, nor the Managers of the Charity Workhouse of *Edinburgh*, shall have any Claim for Relief from the Inhabitants of the said Parish of *Saint Cuthberts* or *West Kirk*, on account

account of maintaining the whole Poor within the said City, and within the Boundaries of the Grounds by the said recited Acts, or this Act, disjoined from the said Parish of *Saint Cuthberts* or *West Kirk*.

XIII. And whereas it is necessary that two additional Churches should be built within the Limits over which the Royalty of the said City of *Edinburgh* was extended by the said recited Acts of the Seventh, Twenty-fifth, and Twenty-sixth Years of the Reign of His present Majesty, or is extended by this Act; be it enacted, That the Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, shall be and they are hereby authorized and required, forthwith to enter into Contracts for building and completing, within a competent Time, one Church, for the additional Accommodation of the Inhabitants within the Limits over which the Royalty of the said City was extended by the said before recited Acts; and that, as soon as there shall be Five thousand Inhabitants within the Limits over which the Royalty of the said City is extended by this present Act, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be and they are hereby authorized and required to build another Church for the Accommodation of those Inhabitants.

Power to build
Two new
Churches.

XIV. And whereas certain of the Churches and Parishes in the antient Royalty may, without Inconvenience to the Community, be discontinued; be it therefore enacted, That it shall and may be lawful to and for the Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, by and with the Consent of the Presbytery of *Edinburgh*, to discontinue one or two of the Churches, within the said antient Royalty, and to annex the Parish or Parishes thereof to one or more of the adjoining Parishes of the said City, and to remove and transfer the Minister or Ministers of the Church or Churches that may be so discontinued, to one or both of the Churches which are hereby required to be built within the Limits of the extended Royalty, in Manner before-mentioned.

Power to dis-
continue Two
of the
Churches in
the antient
Royalty.

XV. And be it enacted, That it shall and may be lawful to the Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, by and with the Advice and Consent of the said Presbytery of *Edinburgh*, to divide the extended Royalty of the said City, whether extended by the said recited Acts or by this Act, into suitable Parishes, corresponding to *Saint Andrew's* Church already built therein, and to the Church or Churches by this Act authorized and required to be built, and to fix and define the Limits of such Parishes in the Way and Manner that shall appear most expedient for the Accommodation of the Inhabitants.

Power to
divide the
extended
Royalty into
Parishes.

XVI. Provided always, and be it enacted, That if the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and their Successors in Office, and the said Presbytery of *Edinburgh*, shall not concur in discontinuing more than one of the Churches within the antient Royalty, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be and they are hereby authorized and required to endow one of the Churches which by this Act they are authorized and required to build, by providing and securing to the Minister or Ministers thereof the same yearly Stipend or Stipends, and other Emoluments, which at present are or may hereafter be paid to the other Ministers of the said City of *Edinburgh*:

One of the
New Churches
to be endowed
by the Magis-
trates in a
certain Event.

XVII. And,

For regulating
the Fund for
Ministers
Stipends.

XVII. And, to prevent all Doubt respecting the Legality of levying and applying to this and similar Purposes the Annuity of Six Pounds *per Centum* on the Rents of Houses, Shops, Booths, Cellars, and Premises, which the said Lord Provost, Magistrates, and Council have been in use to levy within the City, along with the other Funds or Revenues which are applicable, either in Whole or in Part, to the Payment of Ministers' Stipends; be it enacted and declared, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be and they are hereby authorized and empowered, not only to levy, as they have hitherto been in use to levy, the said Annuity of Six *per Centum* upon the Yearly Rents of all inhabited Houses, Shops, Booths, Cellars, and Premises within the said City and Royalty thereof, whether extended by the said recited Acts, or by this Act, and to apply the same as they have been hitherto in use to apply it, along with the aforesaid other Funds or Revenues, as far as those other Funds or Revenues are so applicable, for the Payment of the Stipends of all the Ministers of the present Churches of the said City and Royalty; but also to apply an equal Proportion of the said Annuity in common with the aforesaid other Funds or Revenues, in so far as these other Funds or Revenues are so applicable, for the Payment of the Stipend or Stipends of such Minister or Ministers as may be appointed to the Churches which are required to be built under the Authority of this Act, in Manner before mentioned.

Patronage of
the New
Churches
reserved to the
Magistrates.

XVIII. Provided always, and be it enacted, That the Right of Patronage of the Churches hereby required to be built, shall belong to, and be vested in the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and their Successors in Office, in the same Manner, to all Intents and Purposes, as the Right of Patronage of the Churches within the antient Royalty of the said City belongs to and is vested in them.

Power to
apply a fur-
ther Sum to
drain the
Meadow.

XIX. And whereas the Sum of One thousand five hundred Pounds, by the said recited Act of the Twenty-seventh Year of the Reign of His present Majesty authorized to be applied by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and their Successors in Office, to the Purpose of draining the Meadow on the South Side of the said City, has been found to be inadequate for that Purpose, be it therefore enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall be, and they are hereby authorized and empowered to apply any Sum or Sums of Money to be received by them from the Trustees appointed by the said recited Act of the Twenty-fifth Year of the Reign of His present Majesty, to the Extent of Three thousand five hundred Pounds Sterling, for the Purpose of draining the said Meadow; and the Residue thereof, (if any be), to be applied to the Purposes directed by the said recited Act of the Twenty-seventh Year of the Reign of His present Majesty.

Privileges of
the College of
Justice saved.

XX. Provided always, and be it enacted, That nothing herein contained shall affect the Rights and Privileges of the College of Justice.

Public Act.

XXI. 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.