



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xli.

An Act to enable the Lord Provost, Magistrates, and Council of the City of *Edinburgh* to carry into effect certain Purposes in regard to the Erection of a Chapel at the West End of *Prince's Street*, and for effecting certain Improvements in the Neighbourhood thereof, and in other Parts of the extended Royalty of the said City. [31st May 1816.]

WHEREAS it is expedient that the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, should be empowered to allot an Area of Ground at the West End of *Prince's Street*, in the Extended Royalty of the said City, for building a Chapel or Place of Public Worship, and to agree with the Proprietors of Houses and Areas in *Prince's Street* aforeaid, to inclose, and otherwise improve and embellish the Ground lying South from the said Street to the Westward of the Mound extending from *Prince's Street* aforeaid to the antient Royalty of the said City, known by the Name of the *Earthen Mound*, and to build upon the said Mound according to a Plan to be settled for that Purpose; and it is also expedient that Powers should be granted to the said Lord Provost, Magistrates, and Council to contract and agree with the Proprietors of Houses in *Saint Anne's Street* on the West, and of the Houses and Areas opposite to the said Street on the East, at the North End of the North Bridge of the said City of *Edinburgh*, to erect Buildings within a limited Distance of the Parapet Walls of the said *North Bridge*, and to form proper Accesses to and from the same, and also to form a new Road or Access to *Canal Street*,

[*Local.*]

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Power to
allot Ground
for a Chapel
at the West
End of
Prince's
Street, and
also to form
burying
Ground
there.

in lieu and place of *Saint Anne's Street*; but as these Purposes cannot be effected without the Aid and 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 it shall and may be lawful to the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, to allot and set apart so much of that Piece of Ground at the West End of *Prince's Street*, in the extended Royalty of the said City, belonging in Property to the Community of the said City, and at present occupied as a Nursery for Trees, as shall be sufficient for the Erection of a Chapel or Place of Religious Worship thereon, by such Persons as shall contract and agree with the said Lord Provost, Magistrates, and Council, for making such Erection accordingly, and for completing the other Works hereinafter directed to be completed in regard to the same; and the Persons so contracting and agreeing with the said Lord Provost, Magistrates, and Council, shall be and be held to be the Proprietors of the Chapel so to be erected as aforesaid; and it also shall and may be lawful to the said Lord Provost, Magistrates, and Council, to convert the Remainder of the said Piece of Ground, into a public Burial Ground: Provided always, that the said Burial Ground shall not be brought nearer to the Wall presently bounding the said Piece of Ground on the North than Fifty Feet, nor to the Wall presently bounding the said Piece of Ground on the East than Twenty Feet, for the Space of One hundred Feet measured from the Northern Extremity of the said East Wall; and that no Addition shall be made to that Part of the said Piece of Ground, to be occupied as a Burial Ground, so as to encrease the Extent of the same, in any Time hereafter.

Proprietors
of the said
Chapel to
enclose the
Area around
the same.

II. And be it further enacted, That the Proprietors of the said Chapel, or Place of Religious Worship, to be erected on the said Piece of Ground, at present occupied as a Nursery for Trees, shall be and they are hereby authorized and required to enclose the same on the Side next to *Prince's Street*, with a Parapet Wall and Iron Railing, of the same Form and Description as that hereinafter directed to be made, by the Proprietors of Houses and Areas in *Prince's Street*, on the South Side of that Street; and also to enclose the remaining Sides of that Part thereof not to be converted into a Burial Ground, lying to the East of the said Chapel, in such Form and Manner as shall be agreed upon by and between the Proprietors of the said Chapel, the Committee of Proprietors of Houses and Areas in *Prince's Street*, to be appointed as hereinafter mentioned, and the Lord Provost, Magistrates, and Council of the said City; and such Parapet Wall and Railing, and other enclosing Walls or Railings, shall be maintained and upheld, and that Part of the said Piece of Ground which is not to be converted into a Burial Ground on the North and East of the Chapel, shall be laid out and kept as a Shrubbery and Plantation, in all Time coming, all on the proper Charges and Expences of the Proprietors of the said Chapel.

No other
Buildings to
be erected
opposite to
Prince's
Street.

III. And be it enacted, That it shall not be lawful to, nor in the Power of the said Lord Provost, Magistrates, and Council, or their Successors in Office, to erect or sanction the Erection of any Building whatever, other than the said Chapel hereinbefore authorized to be erected, on any Part

of the Ground belonging to the Community of the said City, on the South Side of *Prince's Street*, excepting a Gardener's or Keeper's Lodge, or Hot Houses, or Conservatories, in such Place or Places as the said Committee of Proprietors of Houses and Areas in *Prince's Street*, to be appointed as hereinafter mentioned, shall appoint.

IV. Provided always, and be it enacted, That the Proprietors of Houses and Areas in *Prince's Street*, between *Hanover Street* on the East and *Charlotte Street* on the West, shall be and they are hereby authorized and required, on their own Charges and Expences, to assess and levy in Manner hereinafter directed a Sum or Sums of Money for erecting a Parapet Wall and Iron Railing, of such Kind and Description as shall be agreed upon by and between the said Lord Provost, Magistrates, and Council, and the said Proprietors, and for maintaining and upholding the same in all Time coming, on the South Side of the said Street from the Earthen Mound Westward, until it joins the Parapet and Railing to be erected by the Proprietors of the said Chapel in Manner before directed.

Proprietors to erect a Parapet and Railing on the South Side of *Prince's Street*.

V. And be it enacted, That it shall and may be lawful to the Proprietors of Houses and Areas in *Prince's Street*, between *Hanover Street* on the East and *Hope Street* on the West, or their Committee as after mentioned, to contract and agree with the Lord Provost, Magistrates, and Council of the said City, or with any other Person or Persons whom it doth or may concern, for a Lease or Feu, or for Leases or Feus, of the Whole or Part of the Ground on the South Side of *Prince's Street*, or on the opposite Bank of the Loch termed the *North Loch*, for the Purpose of laying out the same, in Whole or in Part, in a Garden, Nursery for Trees, or Pleasure Ground, or under Grass, or otherwise embellishing and enclosing the same, on the East, West, or South, at the Charges and Expences of the whole Proprietors of *Prince's Street*, between *Hanover Street* and *Hope Street* aforesaid, to be in like Manner assessed, raised, and levied as hereinafter directed; and in the Event of such Contract or Agreement being made, it shall and may be lawful to the said Lord Provost, Magistrates, and Council, to prevent any Access by Roads or otherwise into or through the said Ground, excepting to the said Proprietors or others authorized by them.

Powers to agree for improving and embellishing the Ground opposite to *Prince's Street*.

VI. And be it enacted, That the Proprietors of Houses and Areas in *Prince's Street*, between *Hanover Street* on the East and *Hope Street* on the West, shall meet within the Council Chamber of the City of *Edinburgh*, on the Fourth Monday after the passing of this Act, or on some convenient Day early thereafter, at Twelve o'Clock Noon, of which previous Notice shall be given by public Advertisement, Ten Days at least before the Day of such Meeting, in any Two of the Newspapers published in *Edinburgh*, and shall then and there proceed to carry this Act into Execution so far as they are concerned; and the said Proprietors shall and may at such Meeting, and at any subsequent Meeting to be holden for the same Purpose, adjourn, and appoint their next Meeting to be holden at such Place, and at such Time, as to them shall seem proper; and any Seven Proprietors shall have Power to call a General Meeting at any Time, on Fourteen Days' previous Notice by public Advertisement in such Newspapers as aforesaid.

Meetings of Proprietors of *Prince's Street* to be held.

VII. And

Who are to
be held Pro-
prietors.

Majority to
decide.

Quorum.

Power to ap-
point Com-
mittees.

Proprietors
to ascertain
the Sums
necessary to
be raised.

How to be
assessed,
levied, and
collected.

VII. And be it enacted, That no Person shall be deemed and taken to be a Proprietor entitled to act according to the Meaning of this Act, unless he or she shall be Proprietor, in his or her own Right, of a House or Area, or Story of a House in the said Street, from *Hanover Street* to *Hope Street*; and every House shall be deemed to be a House in *Prince's Street*, within the Limits aforesaid, whereof any Windows shall be in *Prince's Street*, although the Entrance to such House shall not be from *Prince's Street*; and the major Part of the Proprietors who shall attend at any Meeting to be held for carrying into Effect the Purposes of this Act, shall decide in all Matters relating thereto, the Number of Proprietors present at any such Meeting not being less than Seven, who are hereby declared to be a Quorum.

VIII. And be it enacted, That the said Proprietors may, if they shall think fit, appoint a Committee or Committees of their Number not exceeding Five Persons, any Three of whom to be a Quorum, to carry into Effect all or any of the Purposes of this Act relating to such Proprietors, to whom they may delegate such Powers as they shall think proper, and may also, if they shall see fit, nominate and appoint a fit Person to hold and exercise the Office of Clerk and Treasurer to them, during their Pleasure; and the Treasurer so to be nominated and appointed as aforesaid shall find sufficient Surety for the faithful Execution of his Office.

IX. And in order to defray the Expence of erecting the Parapet Wall and Railing, hereinbefore authorized and required to be erected on the South Side of *Prince's Street*, by the said Proprietors of Houses and Areas in *Prince's Street*, between *Hanover Street* and *Charlotte Street*, and the Expence that may be requisite for improving and embellishing the Ground within the same, hereinbefore authorized and required to be done at the Charges and Expences of the Proprietors of Houses and Areas in *Prince's Street*, between *Hanover Street* and *Hope Street*, in the Event of their agreeing with the said Lord Provost, Magistrates, and Council, or other Person or Persons as aforesaid, for a Lease or Feu, Leases or Feus, thereof in Manner hereinbefore authorized, together with the Sums that may be necessary from Time to Time for upholding these Works and otherwise in relation thereto; be it enacted, That it shall and may be lawful to the said Proprietors or their Committee, and they are hereby authorized and required, at the First or any subsequent Meeting to be held under the Authority of this Act, to fix and determine the Sums that may be necessary from Time to Time, for all or any of the Purposes respectively aforesaid: Provided always, that the Sum of Money to be raised for erecting the said Parapet and Railing, and for upholding the same, shall not exceed Ten *per Cent.* upon the Rents of the Premises assessed, to be ascertained in Manner hereinafter provided, in any One Year, and that the Sums of Money to be raised for acquiring a Lease or Feu, or Leases or Feus, of the Grounds aforesaid, and for the said Works and Improvements, and for maintaining and upholding the same, shall not in any One Year exceed the farther Sum of Ten *per Cent.* upon the Rents of the Premises assessed, to be ascertained in Manner hereinafter provided.

X. And be it enacted, That all and every Sum of Money so fixed and ascertained to be requisite, for enabling the Proprietors of Houses and Areas in *Prince's Street* to carry into Effect the Purposes aforesaid, shall be

be assessed upon the whole Proprietors of Houses and Areas in the said Street, between *Hanover Street* on the East, and *Hope Street* on the West, and between *Hanover Street* on the East, and *Charlotte Street* on the West respectively as aforesaid, and that proportionally, according to the Valuations made under the Authority of any Act or Acts of Parliament for regulating the Police of the City of *Edinburgh* for the Time being, certified Copies of which Valuations the Collector of the Police Duty is hereby authorized and required to furnish, and which several Sums of Money to be assessed in Manner aforesaid shall be payable, and be paid in such Manner, and at such Time or Times, and to such Persons as a General Meeting of the said Proprietors, or their Committee, shall appoint, and besides the several Sums before mentioned, there shall be assessed upon the Proprietors liable as aforesaid the necessary Expences of imposing and collecting such Assessment; and the whole Sums so to be assessed as aforesaid shall be raised, levied, collected, and made effectual by such and the like Remedies as are provided by any of the aforesaid Acts of Parliament, from the respective Properties liable in Payment thereof; and all which Assessments, from Time to Time so to be made, shall and may be levied from the Occupiers of the Houses in the said Street, and such Occupiers paying the same shall be entitled to retain the Amount thereof, as the same shall be instructed by the Receipts of the Collector, from the Rents payable to their Landlords.

XI. And be it enacted, That it shall and may be lawful to the said Committee of Proprietors hereinbefore directed to be appointed, or any Three of them, to borrow and take up at Interest any Sum or Sums of Money on the Credit of the said Assessments, not exceeding Five thousand Pounds Sterling, and assign to the Person or Persons from whom such Money shall be borrowed, the Assessments authorized to be made as aforesaid, until the Sum or Sums so to be borrowed with Interest thereof, shall be repaid and discharged. Power to borrow Money.

XII. And be it enacted, That it shall and may be lawful to the Committee of Proprietors hereinbefore authorized to be appointed, or any Three of them, to raise, institute, and follow out, in their Names, all such Actions at Law, as they may find it necessary to raise, either in regard to the making effectual the Assessments hereinbefore authorized to be levied, or to compel the Performance of any other Matters herein authorized in which the said Proprietors are concerned or interested; and no such Action shall abate by the Death or Removal of any Member or Members of the said Committee; but the Members of such Committee for the Time being shall be held to be the Pursuers or Defenders in such Actions, as the Case may be. Committee of Proprietors may sue and be sued.

XIII. And be it further enacted, That it shall and may be lawful to the Lord Provost, Magistrates, and Council of the said City, to erect Houses and Buildings on the said *Earthen Mound*, or to feu out or let the same on Lease for the Erection of Houses and Buildings thereon, in such Manner and Form, and according to such Plan, as shall be agreed upon by and between them and the Proprietors of Houses and Areas in *Prince's Street* liable as aforesaid; and in the Event of the said Lord Provost, Magistrates, and Council, and the said Proprietors, not being able to agree in regard to the Plan of such Buildings, then according to such Plan as shall be approved of by the Lord Buildings may be erected on the Earthen Mound.

[Local.] 10 E President

Président of the Court of Session, the Lord Justice Clerk, the Lord Chief Baron of the Court of Exchequer, the Lord Chief Commissioner of the Jury Court, and the Lord Advocate of Scotland, or any Three of them.

Power to contract and agree for erecting Buildings on the Sides of, and widening the North End of the North Bridge.

XIV. And be it enacted, That it shall and may be lawful to the Lord Provost, Magistrates, and Council of the said City, and they are hereby authorized and empowered to contract and agree with the Proprietors of Houses and Areas in *Saint Anne's Street* and *Canal Street* on the West, and with the Proprietors of Houses and Areas opposite thereto on the East of the North End of the said *North Bridge*, and with the Proprietors of Houses and Areas in *Shakespeare Square*, in order that Buildings may be erected within Twelve Feet of the Parapet Walls on each Side of the North End of the said *North Bridge*, and to take down the said Parapet Walls so as to give Access to the said Buildings from the said *North Bridge*; and also in order that Buildings may be erected in *Canal Street*, between the Corner of that Street next to the *North Bridge* and the Lane leading from *Canal Street* to the Property of *Robert Young* and others: Provided always, that the Roadway of the said Bridge shall be increased in Width opposite to the said Buildings Twelve Feet at the least, on each Side thereof; and it shall also be lawful to the said Lord Provost, Magistrates, and Council, after contracting and agreeing with the Proprietors on the East of the North End of the said Bridge as aforesaid, to alter and amend the Access from *Shakespeare Square* to the Grounds below the said *North Bridge*.

New Road or Street to be formed in lieu of St. Anne Street.

XV. And be it enacted, That in lieu and place of the present steep and incommodious Street or Lane called *Saint Anne's Street*, it shall and may be lawful to the said Lord Provost, Magistrates, and Council, and they are hereby authorized and required to form and make, on their own Charges and Expences, a new and more commodious Road or Street, commencing at the Top of the Bank opposite to *Saint Andrew's Street*, in the extended Royalty of the said City, and terminating at the Western End of *Canal Street*, and to maintain and uphold the said Road or Street in all Time coming, and when such new Road or Street shall be formed and made, it shall and may be lawful to the Proprietors of *Saint Anne's Street* aforesaid to shut up the said Street or Lane called *Saint Anne's Street* in such Manner and at such Time as they shall deem expedient.

Appeal.

XVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may within Fourteen Days next after such Cause of Complaint shall arise appeal to the Justices of the Peace at their next General Quarter Sessions which shall be holden for the said County of *Edinburgh*, and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause shall and may by Order of such Sessions mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the said Justices are hereby authorized and required to levy by their Order or Warrant such Costs so

awarded by distraining and selling the readiest moveable Goods and Effects of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress to commit such Person or Persons to the Common Gaol for the said County, for any Time not exceeding Six Calendar Months, or until such Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall and is and are hereby required to give Notice in Writing to the Party appealed against, of such his or their Intention of bringing and prosecuting an Appeal Fourteen Days before the said Quarter Sessions, and shall before such Notice given enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said County, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in Case such Appeal shall be determined against the Party or Parties so appealing.

XVII. And be it enacted, That the Expences of preparing, applying for, and obtaining this Act, shall be paid as follows; *videlicet*, Two-third Parts thereof by the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and the remaining Third Part thereof by the Proprietors of *Prince's Street*, between *Hanover Street* and *Hope Street*, to be raised, levied, and collected from such Proprietors, in such and the like Manner as the Assessments by this Act authorized are directed to be raised, levied, and collected. Expences of the Act how to be defrayed.

XVIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1816.

