



ANNO QUINQUAGESIMO SEXTO

# GEORGII III. REGIS.

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## *Cap. xlii.*

An Act to alter and amend Two Acts of the Fifty-third and Fifty-fourth Years of His present Majesty, for erecting and maintaining a new Gaol and other Buildings for the County and City of *Edinburgh*; and to alter and amend Two Acts of the Forty-third and Forty-ninth Years of His present Majesty, in regard to the Statute Labour of the Middle District of the said County. [31st *May* 1816.]

**W**HEREAS by an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for erecting and maintaining a new Gaol and other Buildings for the County and City of Edinburgh*, certain Persons were appointed Commissioners for making, building, and erecting a new Prison or Gaol for that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, and a proper Place of Confinement for Public Criminals, and also a Gaol for the said City and County of *Edinburgh*, and for making and erecting certain Buildings for the Courts and Public Meetings of the said County; and Power was given to the said Commissioners to treat, contract, and agree with the Owners and Occupiers of all Houses, Grounds, or Areas, specified in a certain Schedule to the said recited Act annexed, and to acquire such Houses, Grounds, or Areas, as might be required for the Purposes of the said recited Act, not exceeding an Extent of Six thousand five hundred Square Yards: And whereas the Situation authorized by the said recited Act to be acquired for erecting of the said Gaol having been found to be incommodious, unsuitable, and not sufficiently extensive, another Act was passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament for erecting and maintaining a new Gaol and other Buildings for the County and City of Edinburgh, for opening Communications* 53 G. 3. c. 77. 54 G. 3. c. 170.

[*Local.*] 10 F to



to the new Gaol, building a Bridge over the Low Calton, and for other Purposes relating thereto, by which the said Commissioners were empowered to treat, contract, and agree with the Lord Provost, Magistrates, and Council of the City of Edinburgh, for the Acquisition of a Space of Ground upon the Calton Hill, not exceeding Four Acres, and to make, build, and erect, the said new Gaol thereon; and it was by the said last recited Act provided that nothing therein contained should prevent the foresaid Commissioners from erecting the County Buildings by the said first recited Act authorized to be erected, in the Situation formerly destined for that Purpose: And whereas by reason of the Distance betwixt the said Gaol, which is now begun to be built on the Calton Hill, and the High Court of Justiciary, and the City and County Courts of Edinburgh, which are situated in the Centre of the ancient Royalty of the said City, the said Commissioners have found it necessary to complete a small Gaol or Place of temporary Confinement, formerly begun to be built upon the Property contiguous to the Court of Justiciary, and the other Courts aforesaid, which was acquired by the said Commissioners under Authority of the said first recited Act; and the said Commissioners have also purchased and acquired certain Houses and Premises contiguous to the said small Gaol to form a proper Area for the same, and a suitable Access thereto; and it is expedient that the Expences thereby incurred, and to be incurred, should be defrayed out of the Funds under the Management of the said Commissioners, and should, together with the Expences incurred, and to be incurred, in relation to the said County Buildings, be apportioned upon the Funds respectively provided for the Gaol and County Buildings by the said first recited Act: And whereas the Trustees acting under the Authority of an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for enlarging and altering the Powers of, and rendering more effectual several Acts of the Twenty-fourth and Twenty-eighth Years of His late Majesty, and of the Fourth, Twenty-fourth, Twenty-fifth, Twenty-ninth, and Thirty-eighth of His present Majesty's Reign, for repairing the Turnpike and other High Roads in the County of Edinburgh*; and under another Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for rendering more effectual several Acts for repairing the Turnpike and other High Roads in the County of Edinburgh, and for repairing the Roads from the City of Edinburgh to the Town of Leith*, were by the said Act passed in the Fifty-fourth Year of the Reign of His present Majesty, empowered from certain Funds under their Management to contribute towards making the Accesses to the said new Gaol: And whereas the Funds provided towards carrying the Purposes of the before recited Act of the Fifty-fourth Year of His Majesty's Reign into Execution have been found inadequate, it is expedient that the Trustees acting under Authority of the said before recited Acts of the Forty-third and Forty-ninth Years of the Reign of His present Majesty, and the Lord Provost, Magistrates, and Council of the City of Edinburgh, should be severally empowered from certain Funds under their Management respectively to contribute further towards making the Accesses to the said new Gaol erecting on the Calton Hill, and that the said recited Acts should also be varied, altered, and amended; 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 in Addition to the Commissioners nominated and appointed in virtue of the Powers granted by the said first recited Act of the Fifty-third Year of the Reign of His present Majesty for the Purposes thereof, and of the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, the Person who served the Office of Lord Provost of the City of *Edinburgh* at the Time of passing the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, shall be and he is hereby nominated and appointed a Commissioner to act along with the Commissioners by the said first recited Act appointed, and with the same Powers and Privileges in all Respects as are granted to any Commissioner acting under the Authority of the said Two last-mentioned Acts.

Additional  
Commis-  
sioner.

II. And be it enacted, That it shall and may be lawful to and for the said Commissioners to defray the Expences of erecting the small Gaol or Place of Confinement, as also the Price and Prices of all Houses or Premises purchased by them within the Limits prescribed by the said first recited Act, together with the Expences of the Approaches, Walls, Stairs, Gateways, Furniture, and other necessary Things connected with the said small Gaol, from the Funds provided for the Gaol by the first recited Act.

Expence of  
Place of tem-  
porary Con-  
finement to  
be defrayed  
from the  
Funds under  
the Act of  
53 G. 3.

III. And be it enacted, That it shall and may be lawful to the said Commissioners to surround the Areas acquired by them in Manner aforesaid, contiguous to the said small Gaol, and County Buildings, with a suitable Wall or Walls, and in erecting the said Wall or Walls, it shall be lawful to the said Commissioners and they are hereby authorized to shut up a Lane or Passage formerly known by the Name of *Forrester's Wynd*, and all Passages entering thereto, in so far as such Lane or Passages lead through the aforesaid Areas, the said Lane having been long rendered inaccessible in consequence of Public Buildings being erected across the same, and being otherwise of no Use to the Public; provided that such Areas when so inclosed shall not thereafter be sold, disposed of, or built upon, but shall be made and shall remain an open Area for the Use of the said Gaol, and for the Accommodation in point of Light and Air of the Adjoining Courts of Justice and Public Libraries; and that that Part of the aforesaid Areas which lies to the North of the said Public Libraries, and extends eastward from the Front of the said County Buildings to *Saint Giles's Church* shall in like Manner remain an open Area in all Time coming; and it shall be in the Power of the Lord President of the Court of Session, the Dean of the Faculty of Advocates, and the Keeper of His Majesty's Signet, or any One of them, to see the said Proviso duly enforced, and if requisite to apply for and obtain all legal Remedies to that Effect.

Areas con-  
nected there-  
with to be  
inclosed.

IV. And be it enacted, That the said small Gaol or Place of temporary Confinement shall not be held or considered as a Prison for the Reception or Confinement of Debtors, but the same shall be held and considered, to all Intents and Purposes, as Part of the Felons' Gaol for the said County and City; and the Regulations for the Management of the said small Gaol shall be laid down, adjusted, and fixed, in the Manner and by the Authority provided for laying down, adjusting, and fixing the Regulations for the Management of the said Gaol to be erected on the *Calton Hill*, by the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty;

Place of tem-  
porary Con-  
finement to be  
Part of the  
Felons' Gaol.



Majesty; and it shall be lawful for any Judge competent to authorize the Removal of any Prisoner committed on a criminal Warrant or criminal Warrants from the said Gaol on the *Calton Hill* to the said small Gaol, or from the said small Gaol to the said Gaol on the *Calton Hill*, so often as the same may be necessary, without affecting the Validity of such Warrant or Warrants.

Extent of the Site of the County Buildings.

V. And be it enacted, That a Space not exceeding Four hundred Square Yards in extent of the Area acquired by the said Commissioners, situated on the South Side of the *Lawn Market* of *Edinburgh*, and on the East Side of *Libberton's Wynd*, shall be used as the Site for erecting the said County Buildings, and the Areas connected therewith, and that the whole Residue of the Sums of Money leviable on the Heritors, Householders, and Occupiers of Plough Gates, in the said County of *Edinburgh*, in virtue of the said recited Act of the Fifty-third Year of the Reign of His present Majesty, after Payment of Five thousand Pounds towards the Expence of the said Gaol, and after Payment of the Expence of the said County Buildings themselves, and the whole Residue of the other Sums applicable to the Erection of the said County Buildings, shall, together with the Sum hereinafter provided for that Purpose, be applied to the Payment of the Price of the Site of the said County Buildings.

Power to contract with the Road Trustees of the County for the Use of the County Rooms.

VI. And be it enacted, That it shall and may be lawful to the said Commissioners to contract and agree with the Trustees nominated and appointed by the different Acts of Parliament passed for making and repairing the Turnpike and other High Roads in the County of *Edinburgh*, to give them a Right to use the Court and Public Rooms to be constructed in the said County Buildings, for their General, District, or Committee Meetings on all Occasions necessary, upon receiving Payment from the said Trustees of such Sum or Sums of Money as shall be agreed upon by and between the said Commissioners and Trustees respectively as the Value of such Accommodation; and the Sum or Sums of Money to be paid in consequence of such Contract and Agreement, shall be applied in defraying in so far the Expences of erecting the said County Buildings, and of the Purchase of the Site thereof, and to no other Purpose.

Commissioners may provide Accommodation for the Clerk of the Peace upon his paying for the same.

VII. And be it further enacted, That in like Manner it shall and may be lawful to the said Commissioners to contract and agree with the Clerk of the Peace for the said County for the Time being, to provide suitable Accommodation for him and his Successors in Office, within the said County Buildings, upon receiving Payment from the said Clerk of the Peace, of such Sum of Money for the same as shall be agreed upon by and between the said Commissioners, and such Clerk of the Peace, as the Value of such Accommodation, and which Sum, when paid by the Person then holding the said Office of Clerk of the Peace, shall be and is hereby declared to be a Burden upon the said Office, and shall be repaid by every Person succeeding in future thereto, to his Predecessor in the said Office, or his Heirs and Representatives.

Road Trustees to contribute 800l. per Annum out of the

VIII. And be it enacted, That in Aid of the Sums provided by and for the Purposes of the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, the Trustees for making and repairing the Turnpike and other High Roads within the said County of *Edinburgh*, acting under Authority

Authority of the said recited Acts of the Forty-third and Forty-ninth Years of the Reign of His present Majesty, shall be and they are hereby authorized and required, from the Funds vested in and under the Charge of the Trustees of that District of the said County, termed in the said last recited Acts the *Middle District*, within the Bounds of which District the new Line of Road by the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty authorized to be made is situated, to advance and pay to the Commissioners for executing the Purposes of the last-mentioned Act, the further Sum of Eight hundred Pounds *per Annum* by Two equal Payments, beginning the first Half-year's Payment thereof at the Term of *Whitsunday*, One thousand eight hundred and seventeen, and the next at the Term of *Martinmas* thereafter; and shall continue such Half-yearly Payments at the Terms of *Whitsunday* and *Martinmas* Yearly, until the same shall amount to such a capital Sum as shall be requisite for the Purposes of the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, and this Act, not exceeding in the whole the Sum of Fourteen thousand Pounds.

Funds of the  
Middle Dis-  
trict.

IX. And to enable the Trustees of the said District termed the *Middle District*, to make Payment of the said Annuity in the Manner, and to the Amount hereinbefore directed, be it enacted, That in Addition to the Rates and Duties exigible in the Middle District, for the Year from *Whitsunday* One thousand eight hundred and fifteen, to *Whitsunday* One thousand eight hundred and sixteen, in virtue of the before recited Act, it shall and may be lawful to the said Trustees, and they are hereby authorized to levy Yearly for the foresaid and subsequent Years from all Tenants and Occupiers of Houses of the Description after expressed, within the Bounds of the Middle District, in lieu and Place of the whole Six Days' Labour, and of the Conversions thereof by the said recited Act of the Forty-third Year of the Reign of His present Majesty authorized to be levied, the several Rates and Duties following corresponding to the Yearly Rental or Value of the Dwelling-house, Cottage, or Tenement, which each Person may occupy; *videlicet*, for a Rental exceeding Forty Shillings, and not amounting to Five Pounds, a Sum not exceeding Sixpence; for a Rental of Five Pounds, and not amounting to Twenty Pounds, a Sum not exceeding One Shilling; for a Rental of Twenty Pounds, and not amounting to Forty Pounds, a Sum not exceeding Two Shillings; for a Rental of Forty Pounds, and not amounting to Seventy Pounds, a Sum not exceeding Four Shillings; for a Rental of Seventy Pounds and upwards, a Sum not exceeding Six Shillings, all Sterling Money, and all in Addition to the several Rates and Duties leviable from the said Subjects by the foresaid recited Act of the Forty-third Year of the Reign of His present Majesty; and which several Rates of Compositions and Conversions, together with those now leviable under the said recited Act of the Forty-third Year of the Reign of His present Majesty, shall be due and exigible at the Term of *Martinmas* Yearly of that Year to which such Rates apply, and shall be otherwise assessed, levied, collected, and recovered, in such and the like Manner, and by the same Rules and Regulations, as are provided by the said recited Act of the Forty-third Year of the Reign of His present Majesty, in regard to the Rates thereby exigible.

Additional  
Conversions  
to be levied  
in the Middle  
District.

X. And be it enacted, That in order to enable the Trustees of that District of Roads of the said County of *Edinburgh*, termed in the  
[Local.] 10 G  
said

Tolls to be  
continued in  
the Leith



Walk Dis-  
trict.

said recited Act of the Forty-ninth Year of the Reign of His present Majesty, the *Leith Walk District*, to make Payment to the said Commissioners of the Sum of Eighteen thousand Pounds and Interest, as directed by the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, not only the Tolls payable at the Toll Bar on *Leith Walk*, as by the said last recited Act directed, but also the Tolls exigible at every other Toll Bar or Toll Bars erected or to be erected within the said *Leith Walk District*, shall be levied and applied towards the Payment of the said Sum of Eighteen thousand Pounds, and whole Interest thereof, in the Manner directed by the said last recited Act with regard to the Tolls payable at the Toll Bar on *Leith Walk*, and when the Purposes of the said recited Act shall be accomplished, then the Tolls and Duties leviable at all the Toll Bars within the *Leith Walk District* shall cease and be no longer payable.

If inade-  
quate, 300l.  
per Annum  
to be paid out  
of the Funds  
of the City of  
Edinburgh.

XI. And in the Event of the Sums of Money provided by the before recited Act of the Fifty-fourth Year of the Reign of His present Majesty, and by this Act in Manner as hereinbefore directed, being found to be inadequate to accomplish the Purposes of the said recited Act of the Fifty-fourth of His present Majesty, of which Inadequacy a Resolution of the said Commissioners acting under the Authority thereof, and of this Act, to the Effect, and to be intimated in Manner hereinafter directed, shall be sufficient Evidence, the Lord Provost, Magistrates, and Council of *Edinburgh*, shall be and they are hereby authorized and required to pay out of the proper Funds and Revenues of the said City, to the said Commissioners the further Sum of Three hundred Pounds *per Annum*, beginning the first Payment thereof at the first Term of *Whitsunday* or *Martinmas* which shall happen after Intimation shall have been given to the said Lord Provost, Magistrates, and Council, in Manner hereinafter directed, unless the said Commissioners shall in such Intimation specify a more remote Term for the Commencement thereof, and shall continue such Payment at the said Term Yearly, until the same shall amount to the capital Sum of Five thousand Pounds, or so much thereof as shall be necessary; which Annuity of Three hundred Pounds shall and may be recoverable by the said Commissioners, in such and the like Manner as Debts due by Royal Burghs in that Part of *Great Britain* called *Scotland* are recoverable: Provided always, that it shall not be lawful to nor in the Power of the said Lord Provost, Magistrates, and Council of the said City, to levy the Whole or any Part of the said Annuity of Three hundred Pounds by any Assessment or Assessments upon the Heritors, Householders, or Inhabitants of the said City.

Resolution of  
the Commis-  
sioners suf-  
ficient Evi-  
dence of  
Inadequacy.

XII. And be it enacted, That a Resolution of the Commissioners acting under the Authority of the before-recited Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty and of this Act, at any General Meeting assembled, declaring that the Funds provided by these Acts or by this Act, or by any of them, are inadequate for executing the Purposes of the same, shall be held as sufficient Evidence of such Inadequacy, and upon intimating such Resolution it shall and may be lawful to the said Commissioners, if they shall think fit, to call upon the Commissioners of Supply for the County of *Edinburgh*, to lay on the additional Year's Assessment provided by the said recited Act of the Fifty-third Year of the Reign of His present Majesty, on Heritors, In-

habitants,



habitants, Householders, and Occupiers of Plough Gates; as also to call upon the Lord Provost, Magistrates, and Council of the said City, to assess the several Sums provided by the said recited Acts, or either of them, to be assessed, in the Event of the other Funds thereby provided proving inadequate, upon the Heritors and Householders of the said City, as also to pay the Sum of Five thousand Pounds in Manner by the said recited Act directed; and also to call upon the Trustees of the said Middle District to pay the further Sum of Eight hundred Pounds *per Annum* by this Act provided, and to call on the said Lord Provost, Magistrates, and Council to pay the Sum of Three hundred Pounds *per Annum* hereinbefore directed to be paid by them; and that whether the other Funds provided by the before recited Acts of the Fifty-third and Fifty-fourth of the Reign of His present Majesty, towards executing the Purposes of the same shall have been wholly expended or not: Provided always, that the said Commissioners shall be bound to call for the said several Sums in the Order in which they stand in the said last-mentioned Acts, and in this Act; so that the last-mentioned Payment of Three hundred Pounds *per Annum* shall not be called for until all the other Funds provided by the said Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty, and by this Act, shall have proved inadequate, of which Inadequacy the said Commissioners shall be Judges as aforesaid.

XIII. And be it enacted, That in case the said Lord Provost, Magistrates, and Council, or the said Commissioners of Supply, shall refuse or neglect to make the foresaid Assessments, or any of them, it shall and may be lawful for the said Commissioners acting under the Authority of the said recited Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty, and of this Act, by Warrant or Warrants under their Hands, to make the said Assessments themselves, and thereupon the said several Sums hereinbefore authorized to be raised, levied, and collected, with the lawful Interest thereof, from the Time or Times at which the same should have been received from the Persons liable in the Payment thereof, shall be payable and be paid to the Collectors of the Land Tax and of the House Tax respectively, who are hereby required to receive and collect the same, and that according to the Proportions, and under the Powers and Authorities specified in the said recited Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty, together with the Charges of collecting the same; and the Sums so collected shall be paid to the said Commissioners, or the Person or Persons authorized by them to receive the same, in the same Manner, and under the same Conditions and Penalties, as are in similar Cases enacted in the said last recited Acts; and the Sums of Money so to be collected shall be paid and applied in such and the same Manner as if the same had been collected under the Authority of the Assessments of the said Lord Provost, Magistrates, and Council, or of the said Commissioners of Supply respectively.

Power to Commissioners to make Assessments, in case the Magistrates or Commissioners of Supply neglect or refuse.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners acting under the Authority of the said recited Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty, and of this Act, and they are hereby authorized and empowered, in Addition to the Sums of Money which they are authorized to borrow by these recited Acts of the Fifty-third and Fifty-fourth Years of the Reign of His present Majesty, to borrow and take up at Interest, on the Security of the different

Power to borrow Money.



rent Obligations imposed upon the respective Persons and Funds hereinbefore specified by virtue of this Act, any Sum or Sums of Money not exceeding Twenty thousand Pounds; and it shall be lawful for the said Commissioners, and they are hereby empowered to assign and make over the Whole or any Part of the foresaid different Obligations, to any Person or Persons from whom the Money, or any Part thereof, shall be borrowed, as a Security for Re-payment thereof, and Interest arising thereon, at a Rate not exceeding Five Pounds *per Centum per Annum*; and such Assignments in Security for the Money to be borrowed as aforesaid shall be entered in a Book or Books to be kept by the said Commissioners, or their Clerk and Treasurer, for that Purpose, which Book or Books may be seen and perused by any Person or Persons interested, at all seasonable Times without Fee or Reward; and the Assignments, in Security of the Sums of Money so to be borrowed as aforesaid, shall be made and executed by the Clerk and Treasurer of the said Commissioners in their Name, and on their Behalf, he being specially authorized so to do by a General Meeting of Commissioners; provided always, that the said Commissioners, or their Clerk and Treasurer, shall not be personally subject or liable to pay the Money borrowed, or Interest thereof, for or by reason of their authorizing the Signature of or signing such Assignments as before mentioned; and such Assignments shall be transferable by Indorsement subscribed by the Party transferring, in presence of Two or more subscribing Witnesses.

Residue of  
Funds how to  
be disposed  
of.

XV. And be it enacted, That the Residue of the Funds hereinbefore provided shall be disposed of and applied to such public Purposes connected with the said City or its Vicinity as the said Commissioners shall direct and appoint.

Expence of  
this Act how  
to be paid.

XVI. And be it enacted, That the Expence of applying for, obtaining, and passing this Act, shall be paid from the Funds provided under the said recited Act of the Fifty-fourth Year of the Reign of His present Majesty, and in Aid thereof by this Act.

Powers of  
former Act,  
so far as not  
varied, to be  
used in exe-  
cuting the  
present Act.

XVII. And be it enacted, That all and every the Powers, Authorities, Provisos, Directions, Clauses, Matters, and Things contained in the before-recited Acts, or any of them, not varied, altered, or amended by this Act, shall be used, exercised, and put in Execution for enforcing the Purposes of the said recited Acts and of this Act, in the same Manner as if the same were herein contained and re-enacted.

Public Act.

XVIII. And be it 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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