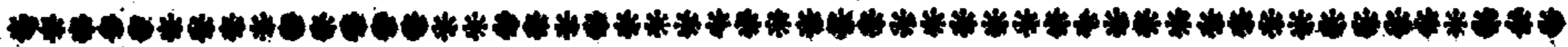




ANNO TERTIO

GEORGIIV. REGIS.



Cap. xxviii.

An Act for regulating, maintaining, and improving the Premises in the City of *Edinburgh*, termed *Queen Street Gardens*, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith. [15th *May* 1822.]

WHEREAS it is expedient that the Grounds within the extended Royalty, of the City of *Edinburgh*, which are bounded by *Queen Street*, on the *South*, and by *Abercromby Place*, and *Heriot Row*, on the *North*, should be inclosed, laid out, and embellished in an uniform Manner: And whereas the Property of a Part of the aforesaid Grounds on the East of *Hanover Street*, called *Queen Street Gardens*, has already been acquired by certain Individuals, and inclosed and laid out as Public Gardens, and it is expedient that certain Regulations should be established for the Management thereof; and that the Proprietors thereof, and the Proprietors of Houses and Premises situated in *Queen Street* and *Heriot Row* as after-mentioned, should have Power to treat for, acquire, inclose, lay out, and embellish the Remainder of the Grounds aforesaid; 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 the Proprietors of the Grounds, in the new-extended Royalty of the said City of *Edinburgh*, lying betwixt *Queen Street* and *Aber-*

[*Local.*]

cromby

First Meeting,

Commis-
sioners to be
elected.

cromby Place, and commonly called *Queen Street Gardens*, and the Proprietors of Houses in that Part of *Queen Street* which is included betwixt *Hanover Street* and the House Number Sixty-four, belonging to the Right Honourable *Francis Charteris Earl of Wemys and March*, (which House is not included,) and the Proprietors of Houses in *Heriot Row*, shall meet within the *Waterloo Hotel*, in the said City of *Edinburgh*, on the Third *Monday* after the passing of this Act, at One of the Clock in the Afternoon, and failing thereof on any lawful Day thereafter, on the Requisition of any Seven of the said Proprietors, of which Notice shall be given as hereinafter directed, and shall then elect, nominate, and appoint, from amongst themselves, Twenty-four Persons as General Commissioners for the Purposes and with the Powers after-mentioned.

Qualifica-
tions of Com-
missioners.

II. And be it enacted by the Authority aforesaid, That of the General Commissioners so to be elected, Twelve shall be Proprietors of *Queen Street Gardens*, other Six of the said Commissioners shall be Proprietors of Houses in the Division of *Queen Street* betwixt *Hanover Street* and *Frederick Street*, or in the Division of *Heriot Row* betwixt *Dundas Street* and *Howe Street*, and the remaining Six Commissioners shall be Proprietors of Houses in that Part of *Queen Street* above described, which lies to the Westward of *Frederick Street*, or in that Part of *Heriot Row* which lies to the Westward of *Howe Street*.

Who held to
be Proprie-
tors of
Houses.

III. And be it further enacted, That every Person shall be deemed and taken to be a Proprietor of a House in *Queen Street* or *Heriot Row*, and subject to the Provisions of this Act, who is or shall be Proprietor of a House, Flat or Floor of a House, Tenement or Area in *Queen Street* or *Heriot Row* within the Boundaries and Limits aforesaid, if the Area itself or any of the Windows of the Buildings erected thereon shall front or open towards *Queen Street* or *Heriot Row*, although the Door or Entrance into such House, Floor, or Tenement shall not be situated in either of the said Streets.

Annual
Meetings.

IV. And be it further enacted, That a stated Annual Meeting of the said Proprietors shall be held at some convenient Place within the extended Royalty of the said City of *Edinburgh*, on the Third *Monday* of *May* in every subsequent Year, when Eight of the said General Commissioners shall go out of Office by Rotation, which Eight shall consist of Four of the Proprietors of *Queen Street Gardens* who shall happen to stand first in the List made up at the previous General Meeting, of Two of the Proprietors of Houses in that Division of *Queen Street* between *Hanover Street* and *Frederick Street*, or in that Division of *Heriot Row* between *Dundas Street* and *Howe Street*, who shall happen to stand first in the said List, and of Two of the Proprietors of Houses in that Part of *Queen Street* which lies to the Westward of *Frederick Street*, or in that Part of *Heriot Row* which lies to the Westward of *Howe Street*, who shall happen to stand first in the said List; and the Meeting shall elect Persons to supply the Places of those so going out of Office by Rotation, or of those who may have died, or who may have ceased to be qualified, and the Persons so to be elected shall respectively possess similar Qualifications with those possessed by the Commissioners so going out of Office; but it shall be competent to the said Proprietors in such Meetings assembled, to re-elect the Commissioners going out of Office by Rotation, or any of them; and the

Names

Names of the Persons so chosen shall be placed at the Bottom of the List in such Order as the said Proprietors at such Meetings assembled shall fix and determine.

V. And be it further enacted, That the General Commissioners so to be elected at the first General Meeting as aforesaid, shall meet within Ten Days thereafter, and shall elect their Clerk, and shall then divide the Premises aforesaid into such Number of Districts as they shall see expedient; and, after such Division into Districts shall be made, it shall not be in the Power of the said Commissioners at any Time thereafter to alter the same; but such Districts shall remain in all Time thereafter as first fixed and ascertained by the said General Commissioners.

Commissioners shall divide Premises into Districts;

VI. And be it further enacted, That at the same General Meeting at which the said Districts shall be fixed and ascertained as aforesaid, the said General Commissioners shall nominate and appoint from among their own Number certain Persons to act as Commissioners within each District, being Proprietors of *Queen Street Gardens* aforesaid, or of Houses within the respective Districts for which they shall be appointed to act, and shall name the Convener for each District, and the Quorum within the same; and the said General Commissioners shall at a Meeting to be held within Ten Days after each annual Meeting of Proprietors again re-appoint these District Commissioners in the Way above directed.

and appoint District Commissioners,

VII. And be it further enacted, That the said District Commissioners shall have Power within their respective Districts to treat for and to purchase the Grounds lying betwixt *Queen Street* on the South, and *Abercromby Place* and *Heriot Row* on the North, which are situated to the Westward of *Queen Street Gardens*; but before the said District Commissioners respectively shall be entitled to conclude a Bargain for the Purchase of any of the above Grounds, they shall be bound to call a Meeting of the Proprietors of their respective Districts by Advertisement, in the Manner after directed for the Calling of Meetings under this Act; and shall obtain the Consent and Concurrence of a Majority of the Persons attending at such Meetings respectively.

Power to purchase Grounds.

VIII. And be it further enacted, That such Majority of Proprietors at the District Meetings, so called to authorize the said Purchases, shall, if they approve of the same, give Directions to the said District Commissioners respectively, as to the Manner in which the said Grounds so to be purchased shall be inclosed, levelled, and laid out.

Proprietors at District Meetings to give Direction as to new Purchases.

IX. And be it further enacted, That the Price or Prices of any Grounds which may be purchased as aforesaid, and the Expense of inclosing, levelling, and laying out the same, shall be assessed by the said District Commissioners, within their respective Districts, as follows: *videlicet*, the Assessment on the Proprietors of *Queen Street Gardens* aforesaid shall be defrayed by Annual Payments, not exceeding Two Pounds for each Share of the said Gardens, and the Assessments on the Proprietors of Houses or Tenements shall be defrayed by Annual Payments on the Rentals of such Houses or Tenements, according to the Valuation by which the Police Assessments of the said City for the Time being

Assessments to be imposed.

annual
rental
value

being are or shall be imposed, or according to the Valuation by which the House Duty is or shall be imposed, or according to the Extent of the Fronts of such Houses or Tenements, as the said Commissioners shall deem expedient: Provided always, that such Assessments shall in no Case exceed Ten *per Cent.* annually on the Police Rentals of the Houses and Tenements aforesaid, for the Purchase of the said Grounds respectively, and Two *per Cent.* annually on such Rentals for the inclosing, levelling, and laying out the same.

Title of
Ground pur-
chased.

X. And be it further enacted, That the said General Commissioners shall take the Feudal Titles of the said Properties of *Queen Street Gardens*, and of the Grounds which may be acquired in virtue of the Powers above conferred to themselves and their Successors in Office, as Trustees for the several Purposes of this Act.

Manage-
ment of
Grounds.

XI. And be it further enacted, That the said District Commissioners shall respectively have Power to direct in what Manner the said Gardens and the Grounds which may be purchased in virtue of this Act after the same shall have been inclosed and laid out shall be kept and managed, and to appoint Clerks, Cashiers, or Collectors, and to employ Gardeners and Labourers for the Purpose of dressing and keeping the same in Order, and to assess the Expense which may be necessary for this Purpose on the Proprietors in the same Way and by the same Proportion as they are hereby empowered to assess for the Purchase of the same; but notwithstanding the Powers hereby conferred, it shall be competent to a Meeting of the Proprietors of the several Districts to form such Regulations for the Management, and to give such Instructions to their respective District Commissioners as they may think proper; and the said District Commissioners shall call such Meetings of their respective Proprietors at any Time (excepting betwixt the Fifteenth Day of *July* and the Fifteenth Day of *November*) when they shall think proper or when they are required so to do by a Requisition under the Signature of Seven Proprietors specifying the Object of calling such Meeting.

Mode of
calling
Meetings.

Proxies ad-
mitted.

XII. And be it further enacted, That all Meetings of Proprietors to take place under this Act shall be called by Advertisement published in at least Three of the *Edinburgh* Newspapers Ten Days at least before the same shall be held; and that the Proprietors may attend the same either personally or by their Proxies (such Proxies being Proprietors) holding special written Mandates; and the Person who may be chosen to preside shall be entitled to give both a deliberative Vote and a casting Vote in case of an Equality of Votes on any Question submitted to that Meeting; but no General Meeting shall be entitled to proceed to Business unless there are Twenty-one Proprietors present by themselves or their Proxies; and no District Meeting shall be entitled to proceed to Business unless attended by Seven Proprietors or their Proxies.

Power to
borrow
Money.

XIII. And be it further enacted, That the said District Commissioners shall, in order to the more speedy Payment of the Prices of the Grounds so to be purchased, have Power to borrow and take up at Interest such Sum or Sums of Money as they may find necessary for the said Payments; and to assign to the Person or Persons lending the same the Assessments au-
thorized

thorized to be made as aforesaid until the Sum or Sums so borrowed and the Interest thereof shall be paid off and discharged, and to grant all necessary Deeds for that Purpose.

XIV. And be it further enacted, That the Assessments hereby authorized to be levied shall be payable in such Manner and at such Times and to such Cashiers or Collectors as the said District Commissioners shall from Time to Time respectively direct; and besides the Assessments for the several Purposes aforesaid, there shall be assessed upon and levied from the whole Proprietors aforesaid such Sum as the said General Commissioners shall find to be necessary for defraying the Expence of obtaining this Act, and for all other General Expences according to the Proportion which to the said Commissioners shall appear just.

Payment of Assessments.

XV. And be it further enacted, That the Cashiers or Collectors to be appointed as aforesaid shall make up Schemes of all Assessments to be levied by them, which shall lie for the Inspection of the Proprietors, at least Four Weeks after the same shall have been approved by the District Commissioners before any Collection shall take place, and the Accounts of such Cashiers or Collectors shall be examined and passed by their respective District Commissioners, at least Three Weeks before the stated Annual Meeting of Proprietors as before directed shall take place, and the said Cashiers or Collectors shall find Caution for their Intromissions with the Funds so levied by them.

Cashier shall exhibit Schemes of Assessment.

Accounts to be examined.

XVI. And be it further enacted, That it shall and may be lawful to the said District Commissioners to raise, institute, and follow out in their own Names or in the Names of their Cashiers or Collectors, for the Time being respectively, all such Actions at Law as they may find it necessary to raise, either for the Purpose of making effectual the Assessments hereby authorized to be levied, or to compel Performance of any other Matter hereby required to be performed, in which the said Proprietors are concerned or interested; and that the Proprietors of the respective Districts may be sued in the same Manner; and such Action or Actions shall not abate either by the Death or Removal of any of the said District Commissioners, or of their Cashiers or Collectors for the Time being, in whose Name the said Actions may have been raised or proceeded in, but the District Commissioners or their Cashiers or Collectors for the Time shall be held to be the Pursuers or Defenders in the said Actions, as the Case may be.

Power to sue and be sued by the District Commissioners or their Cashiers.

XVII. And be it further enacted, That in regard to the whole other Premises, except *Queen Street Gardens*, it shall be in the Power of the said District Commissioners respectively, with the Consent of a Majority of the Proprietors of their respective Districts, convened at a Meeting for the Purpose, to admit to the Benefit of this Act in so far as regards the Grounds to be purchased by them respectively, such other Proprietors of Houses in *Queen Street* as are not comprehended within the Limits hereinbefore described, or such Proprietors in the adjacent Streets as they may think fit, and under such Conditions as they may impose; and to establish such Regulations as to the Letting or Disposal of Keys to the said Grounds respectively as they may from Time to Time consider to be expedient.

Power to admit other Proprietors, or to give Keys.

[Local.]

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XVIII. And

Premises to
remain Com-
mon Pro-
perty.

XVIII. And be it further enacted, That the said Gardens and Grounds to be acquired in virtue of this Act shall remain in Time to come the common Property of the Proprietors of the District for whom the same may be acquired, or their Successors, unless Four-fifths of the Proprietors in Number and Value shall otherwise determine.

Mode of
Transfer of
Shares in
Queen Street
Gardens.

XIX. And be it further enacted, That the Transfers of Shares in *Queen Street Gardens* aforesaid shall be completed in the Form and in the Way and Manner following; *videlicet*, the Shares shall constantly remain and be transferable, each Share whole and undivided, and so as that, only One Proprietor, and his or her Family shall be intitled to the Benefit of Access to the said Gardens, in respect of each Share at one Time; and a Transfer Book shall be kept by the Clerk, in which shall be inserted the Names of the Persons to whom the said Shares of the said Premises do or shall belong, and the Number and Description of Shares belonging to each of them respectively, and the Transfer of Shares shall be effected by the Seller subscribing a Transfer in the Form following, or some Form to the like Effect:

‘ I *A. B.* in Consideration of the Sum of _____ do
‘ hereby transfer and make over to and in Favour of *C. D.* one Share
‘ of the Premises called _____ [*as the case may be,*]
‘ from and after the _____ of _____

And a Copy of such Transfer shall be inserted in the Transfer Book, and the Purchaser shall subscribe a Declaration of his Acceptance of such Share, subjoined to the said Copy in the Transfer Book in the Form following, or some Form to the like Effect:

‘ I *C. D.* having previously accepted of the above Share, bind and oblige
‘ myself and my Heirs and Assignees to be bound and regulated by the
‘ whole Rules and Regulations with respect to the said Property now in
‘ Force, or that may in future be established in regard to the same, in
‘ Conformity to the Provisions in that Behalf contained in an Act of Par-
‘ liament passed in the Third Year of the Reign of His Majesty King
‘ *George the Fourth*, Chapter _____

And the Subscription to such Acceptance shall be made by the Party in the Presence of the Clerk and Two Witnesses, all of whom shall subscribe the same, and such Transfer and Acceptance are hereby declared to be equivalent to a formal Conveyance of the Right to each Share in Favour of the Purchaser; and the Shares of Persons deceasing shall be held to be heritable Property, and shall pass by a general Service, or Disposition *inter vivos*, or any legal Diligence and Procedure equivalent thereto, but so only as that each Share shall constantly remain whole and undivided; the eldest heir Female always succeeding alone and without Division; and the Clerk shall upon Production of any such Titles enter in the Transfer Book the Title on which and the Person to whom the Share or Shares shall be so transferred, and upon the said Person signing an Acceptance as above he shall be put in the Right of the said Share; and in each of the aforesaid Cases the Person acquiring Right to such Share shall also receive from the Clerk a Copy of the Entries in the Transfer Book, which shall be a good Title of Possession, and which whole Form of Proceeding shall be held and deemed, and the same is hereby declared to be valid and effectual in all Respects and to all Intents and Purposes to the

the Effect of transferring a Share or Shares in the Gardens aforesaid, from one Person to another, of vesting such Share or Shares in the said Assignee or Assignees, and of rendering all Persons who may so acquire Shares subject and liable, in respect of such Share or Shares to the Provisions of this Act, and to make all the Payments due in respect of such Share or Shares, and subject and liable to all the Rules and Regulations agreed to by the Proprietors thereof.

XX. And be it further enacted, That the Proprietors of Annual Shares in *Queen Street Gardens*, bound by the Rules and Regulations of such Proprietors, in Payment of Three Pounds Yearly, shall be bound and obliged as they and their Heirs, Executors, and Successors are hereby bound and obliged to make Payment to the said Proprietors, or to their Committee, or Officers or Servants authorised to receive the same, of the said Sum of Three Pounds of Annual Payments for each Share of the said Gardens, exclusive of the Annual Assessment for the Expense of Management and of the Assessment for the Purchase of the additional Ground, if the same shall take place, for which they are to be liable along with the other Proprietors of Shares in *Queen Street Gardens*, and that half-yearly, by equal Portions, at *Whitsunday* and *Martinmas*, with Interest of each Term's Payment from the Period at which it shall become due until paid, with One-fifth more in Name of Penalty for the not punctual Payment thereof; which Sums of Annual Payment shall in Time to come be an Annual Burden on the said respective Shares in the said Gardens; and in the Event of the said Annual Sum of Three Pounds engaged to be paid for each Annual Share of the said Gardens by the Proprietors thereof in Manner above mentioned not being duly paid, and of Two Annual Payments running into a third unpaid, the Right of the Proprietor to such Share shall, if the District Commissioners shall so incline, be by them declared to be forfeited by such Proprietor, by an Entry of the Resolution of the said Commissioners to that Effect being made in the Minute Book of their Proceedings, and signed by the Preses of the Meeting at which such Resolution shall be adopted, unless such Arrears shall be paid up in Manner hereinafter mentioned; and if the said Proprietor shall not within Three Months thereafter make Payment of the Arrears of the said Annual Payment, such Share shall thereafter be held to be vested in the said Commissioners for the Time, and shall farther be held and deemed to be, and shall be under the Direction and at the Disposal of the Clerk for the Time for Behoof of the whole Proprietors, until the same shall be sold, and the said Commissioners in that Event shall be and are hereby authorized to dispose of such Share or Shares, and that by Public Auction or Private Sale at the best Price or Prices that can be had for the same, and to apply such Price or Prices in such and the same Way as the Annual Assessments raised within the District may be applied; and in the Case of the Forfeiture of any Share in Manner before mentioned, the Clerk shall recite in the Transfer of such Share the Fact of the Forfeiture, and the Date of the Resolution to that Effect, and the Non-payment of the Arrears within the Time limited; but the Proprietors of the said Shares may nevertheless be proceeded against for Payment of the said Arrears in Manner herein-before directed.

XXI. And

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.

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