



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## *Cap. xlv.*

An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh, and adjacent to the same.* [23d August 1831.]

**W**HEREAS an Act was passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh, and adjacent to the same:* 7 & 8 G. 4.  
c. 76.  
And whereas the Assessments by the said recited Act authorized to be levied have from various Causes been less productive than had been expected, and the Sums of Money thereby authorized to be borrowed on the Security of such Assessments, and otherwise authorized to be raised, have proved insufficient for executing the Purposes of the said Act: And whereas it is expedient that several of the Provisions in the said recited Act should be altered and amended, and that further and other Powers and Authorities should be granted for carrying into effect the Purposes of the before-recited Act and this Act; but as these Objects cannot be attained 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  
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The recited Act to remain in force, except in so far as hereby repealed.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and the Powers, Provisoos, Matters, and Things therein contained, shall remain and be in full Force, excepting in so far as the same are expressly repealed or altered by this Act, and shall be as good, valid, and effectual for carying this Act into execution as if the same had been repeated and re-enacted in this Act.

Constitution of the Commission for carrying into effect the Purposes of the Acts.

II. And be it further enacted, That from and after the last *Monday of November*, at Twelve o'Clock Noon, in this present Year One thousand eight hundred and thirty-one, in lieu and place of the Commissioners appointed by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty for carrying into effect the aforesaid Improvements in the said City of *Edinburgh*, and Places adjacent thereto, the following Persons, *videlicet*, the Right Honourable the Lord Provost of the said City of *Edinburgh* for the Time being, and One Member of the Town Council to be elected annually by the Lord Provost, Magistrates, and Town Council as herein-after provided, One Person to be elected annually as herein-after provided by each of the Faculty of Advocates, the Society of Writers to His Majesty's Signet, the Society of Solicitors before the Supreme Courts of *Scotland*, and the Merchant Company of *Edinburgh*, and Fifteen Persons to be elected annually as herein-after provided by the Thirty Wards of Police of the said City, shall be and are hereby appointed Commissioners for carrying into effect the Purposes of the said recited Act and of this Act, with and under the whole Powers, Authorities, Provisoos, Obligations, and Restrictions in the said recited Act and in this Act contained.

Commissioners under recited Act to continue until Nov. 1831.

III. Provided always, and be it further enacted, That the Commissioners appointed by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty shall be and continue Commissioners under the said recited Act and this Act ay and until the said last *Monday of November*, at Twelve o'Clock Noon, in this present Year One thousand eight hundred and thirty-one, when they shall go out of Office, and their Places shall be supplied by the Commissioners appointed and to be appointed in manner herein mentioned; and the Commissioners appointed in virtue of the said last-recited Act shall have no Power to pledge, anticipate, or dispose of any of the Assessments herein-after authorized to be levied and collected, nor to enter into any new Contract which shall have the Effect of adding to the existing Engagements: Provided always, that nothing herein contained shall be held or construed to prevent the said Commissioners from proceeding to purchase and acquire the Property at the West Bow, belonging to *Archibald*, in case they shall deem it expedient so to do.

Mode of Election by Town Council, &c.

IV. And be it further enacted, That the said Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, and the said Faculty of Advocates, Society of Writers to His Majesty's Signet, Society of Solicitors before the Supreme Courts of *Scotland*,



and Merchant Company of *Edinburgh* shall, on some convenient Day in the Month of *November*, but before the last *Monday* thereof, in this present Year One thousand eight hundred and thirty-one, to be fixed by themselves respectively, and duly notified conformably to the ordinary Usage of the respective Bodies when summoning special Meetings of the same, each meet and elect a Person to be Commissioner as aforesaid under the said recited Act and this Act, and shall, in every future Year during the Subsistence of this Act, each meet on some convenient Day in the Month of *November*, but before the last *Monday* thereof, to be fixed by themselves as before mentioned, and duly notified as aforesaid, and shall elect a Person to be Commissioner as aforesaid under the said recited Act and this Act for the Year ensuing; and when the Place of any such Commissioner so elected shall become vacant by Refusal to act, Death, or Resignation, or in any other way, the said Lord Provost, Magistrates, and Town Council, Faculty of Advocates, Society of Writers to His Majesty's Signet, Society of Solicitors before the Supreme Courts of *Scotland*, and Merchant Company respectively, according as such Vacancy shall happen in any of them, shall without Delay meet and elect another Commissioner to supply such Vacancy, due Notice of the Meeting being always given as aforesaid.

V. And be it further enacted, That the Fifteen Persons hereby appointed to be elected by the Thirty Wards of Police Commissioners under the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act shall be elected annually on the Third *Monday* of *November*, or on that and the Day following as herein-after provided, by a Majority of the Votes of the Owners and the Occupiers, being of full Age, of Lands, Dwelling Houses, Shops, Warehouses, and other Buildings and Heritages of every Description, and Pertinents thereof, locally situated within the respective Wards of Police described in the Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for watching, cleansing, and lighting the Streets of the City of Edinburgh and adjoining Districts, and for regulating the Police thereof, and for other Purposes relative thereto*, assessed under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act on a Valuation of Ten Pounds Sterling and upwards of yearly Rent, by Districts of Wards, as follows; *videlicet*, One by the Twenty-fifth and Twenty-sixth Wards of Police, One by the Twenty-fourth and Twenty-second Wards of Police, One by the Twenty-seventh and Twenty-eighth Wards of Police, One by the Twenty-first and Twenty-third Wards of Police, One by the Nineteenth and Twentieth Wards of Police, One by the Sixth and Seventh Wards of Police, One by the First and Twenty-ninth Wards of Police, One by the Second and Third Wards of Police, One by the Fourth and Fifth Wards of Police, One by the Thirtieth and Eighth Wards of Police, One by the Ninth and Tenth Wards of Police, One by the Eleventh and Twelfth Wards of Police, One by the Thirteenth and Fourteenth Wards of Police, One by the Fifteenth and Sixteenth Wards of Police, and One by the Seventeenth and Eighteenth Wards of Police, such respective Meetings for Election beginning upon the said Third *Monday* of *November* in each Year, at Ten o'Clock in the Forenoon,

Mode of Election of Fifteen Ward Commissioners.

3 G. 4. c. 78.

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the first respective Elections as aforesaid taking place on the said Third *Monday of November* in this present Year One thousand eight hundred and thirty-one, at Ten o'Clock in the Forenoon: Provided always, that no Proxies shall be admissible, and that no Person shall have more than One Vote on his Total Valuation in any One District of Wards, without Prejudice to his voting in any other District of Wards in which he shall own or possess any Lands, Dwelling House, Warehouse, Shop, or other Building valued at Ten Pounds Sterling or upwards of yearly Rent; and any Person going out of Office in manner by this Act directed may be re-elected: Provided always, that no Person shall be entitled to be elected and chosen Commissioner for any District of Wards for the Purposes of this Act, unless he shall be Owner or Occupier of Lands, Dwelling Houses, Shops, or other Buildings or Heritages within the said Bounds of Police valued at Twenty-five Pounds Sterling or upwards of yearly Rent.

Books to be provided for Elections, and Clerks to attend.

VI. And be it further enacted, That for making the said Elections in manner aforesaid the Clerk to the said Commissioners shall prepare a Book for each of the said Fifteen Districts of Wards, in the Form annexed hereto (Schedule A.), or in some similar Form, and shall appoint a Clerk or some other fit Person to attend at some convenient Place, to be fixed by the said Commissioners, in each of the said Districts, or as near as may be thereto, on the respective Days appointed for the Elections, and on the following Day, between Ten o'Clock in the Forenoon and Five o'Clock in the Afternoon of each Day; and the Electors in each District of Wards intending to vote in the Election of Commissioners shall appear personally at the said Places, and inscribe in the said Books their own Names, Designations, and Places of Residence, and likewise the Name and Designation of the Person for whom they vote as Commissioner; and at the Expiration of the above Period fixed for the said Elections the Clerks or other Persons appointed to attend the said Elections in manner aforesaid shall deliver the said Books to the Clerk to the said Commissioners, who shall make up and enter in each of the said Books a State of the Votes in the District, and the Name of the Person elected as Commissioner; and such Books shall remain open and patent in the Hands of the Clerk to the said Commissioners, for the Inspection of all concerned, until the *Saturday* thereafter, at Twelve of the Clock Noon.

In certain Cases the Election Books to close in One Hour.

VII. Provided always, That if, at the End of One Hour from the Time of opening such Books in each District respectively on the Days appointed for such Elections, it shall appear to the Clerk or other Person attending by Appointment of the Clerk to the said Commissioners with any such Book in any District, that the Name and Designation of only One Person has been inscribed in such Book to be a Commissioner, then and in such Case such Clerk or other Person attending shall close the Book as for that Election; and the Person whose Name and Designation shall have been so inscribed in such Book, as voted for to be a Commissioner, shall be held to be elected Commissioner for that District.

VIII. Pro-



VIII. Provided always, and be it further enacted, That Companies or Copartnerships owning or possessing Shops, Warehouses, or other Places of Business entitling the Owner or Occupier to a Vote in the Election of Commissioners as aforesaid, shall, for such Shops, Warehouses, or Places of Business, be entitled to grant Authority in Writing to any One and no more of the Partners of such Companies or Copartnerships, possessed of no other Qualification within the District, to vote at the Election of Commissioner for the District in which such Shops, Warehouses, or other Places of Business are situated.

Qualifications of Members of Copartnerships to vote.

IX. Provided also, and be it enacted, That no Person shall be eligible as a Commissioner, or entitled to vote in the Election of Commissioners, who shall be at the Time of the Election in arrear for the Assessment payable prior to the preceding Term of *Martinas*, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote, and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrear.

No Person in arrear of Assessment to be entitled to vote or be elected.

X. And be it further enacted, That it shall be competent to any Person who considers that he ought to have been returned as Commissioner as aforesaid, within Three Days next after such Election, to protest against the Clerk's Return; and on such Protest being reported to the said Commissioners under the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and this Act, they shall remit to a Committee of Five of their Number to inquire and report upon the Merits of such disputed Election, and the Determination of the said Commissioners on such Report shall be final and conclusive.

Scrutiny.

XI. Provided always, and be it further enacted, That not less than Six nor more than Ten Days before the Third *Monday* of *November* in each Year, the Clerk to the aforesaid Commissioners under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act shall cause Intimation to be made by Advertisement in at least Three of the Newspapers published in *Edinburgh*, and in such other Manner as the said Commissioners shall deem proper, of the Day and Places of Election of the aforesaid Commissioners for Districts of Wards.

Day of Election, &c. to be advertised.

XII. And be it further enacted, That in case any Person shall at any Time obstruct, hinder, or molest any Elector, qualified to vote in manner before directed in giving his Vote, in manner before provided, or shall in any way interrupt or molest any of the aforesaid Meetings for Election, every Person so offending shall forfeit the Sum of Twenty Shillings for each Offence; and in case any Person or Persons, not qualified to vote as herein-before provided, shall nevertheless vote at any of the said Elections, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling for each Offence, *toties quoties*, both of which Penalties may be sued for by a summary Application before the Sheriff Depute of the County of *Edinburgh*, or One of his Substitutes, at the Instance of the Clerk

Penalty for obstructing Voters, and on unqualified Persons voting.

[Local.]

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to the said Commissioners under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act; and such Penalties, when recovered, shall be applied for the Purposes of this Act.

Commissioners refusing to act.

XIII. And be it further enacted, That in case any Person who shall be elected Commissioner in manner aforesaid shall refuse to act, he shall forfeit and pay a Sum of Five Pounds, to be recovered, levied, and applied in manner herein last before directed: Provided always, that the said Forfeiture shall not be incurred by the Refusal of any Person to act who shall have previously held the Office of Commissioner under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty for not less than One Year, and that any Person who shall have incurred such Forfeiture shall not be liable to be compelled to accept the Office of Commissioner for Seven Years thereafter.

Any Person elected for more than One Ward to choose the Ward in which he shall act.

XIV. Provided always, and be it further enacted, That in the Event of any Person being elected Commissioner for more than One District of Wards, he shall act for One District only, but he shall be entitled to make choice of the District in which he shall act, by signifying in Writing such Choice to the Clerk to the said Commissioners under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act, within Eight Days after his being so elected, and failing of his doing so, the aforesaid Commissioners shall declare the District for which such Person shall act; and in case he shall refuse to act for such District, he shall forfeit the Sum of Five Pounds Sterling, to be recovered, levied, and applied in manner herein last before directed.

Mode of supplying Vacancies among the Fifteen elected Commissioners.

XV. And be it further enacted, That when the Places of any of the said Commissioners under the said last-recited Act and this Act elected for any of the said Districts of Wards shall become vacant, by Refusal to act, Death, or Resignation, or in any other way, the Clerk to the said Commissioners shall, at the First Meeting to be held after such Vacancy shall happen or become known to him, report such Vacancy, that a Day may be fixed for the Election of a new Commissioner by the District of Wards to supply such Vacancy; and the said Clerk shall intimate by Advertisement in manner before mentioned, and in such other Manner as shall at any Time be ordered by the said Commissioners, the Time and Place of Election, in order that an Election may be made to supply such Vacancy in manner before appointed, and which Intimation shall be inserted in Three several Newspapers published in *Edinburgh*, at least Six and not more than Ten Days before the Day of Election; and the Proceedings at such occasional Elections shall in all respects be regulated in the same way as at the aforesaid stated annual Elections.

Remedy in case the Electors neglect to elect a Commissioner.

XVI. And be it further enacted, That in case the Electors of any of the said Districts of Wards shall not elect a Commissioner as aforesaid for the same, then and in such Case it shall be lawful for the Commissioners under the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act to nominate



nate and appoint a Commissioner for the said Districts of Wards for which Elections shall not have been made; and these Persons, when so nominated and appointed, shall have and enjoy the same Powers and Privileges, and shall remain the same Time in Office, as if they had been elected by the Owners and Occupiers of Lands, Houses, Shops, Warehouses, and other Buildings in their respective Districts of Wards in manner herein-before directed.

XVII. And be it further enacted, That for providing a Fund for completing the several Purposes authorized by the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act, and under the Limitations, Provisions, and Declarations herein contained, it shall and may be lawful for the Commissioners appointed under the said recited Act while they continue in Office, and thereafter for the Commissioners appointed under this Act as coming in place of the said first-mentioned Commissioners, and they are hereby authorized and required, from and after the passing of this Act, in addition to the Assessments by the last-recited Act authorized to be assessed and levied, to raise, levy, and assess, in manner hereinafter provided, the Sum of Sixty-five thousand Pounds Sterling as a present Capital as at the First Day of *March* in the present Year One thousand eight hundred and thirty-one, calculating Interest in estimating such present Capital as aforesaid at Five *per Centum per Annum*; but it shall not be lawful for them, excepting as herein-after provided, to raise, levy, or assess, and they are hereby expressly prohibited and discharged from raising, levying, or assessing, any farther Sum than such Sum of Sixty-five thousand Pounds Sterling as a present Capital as aforesaid.

Power to levy  
an additional  
Capital Sum.

XVIII. And for the Purpose of raising, levying, and providing the aforesaid clear Sum of Sixty-five thousand Pounds Sterling as a present Capital, as on the First Day of *March* in the present Year One thousand eight hundred and thirty-one, be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, from and after the Commencement of this Act, in addition to the Assessments by the before-recited Act authorized to be assessed and levied, and over and above the Assessments herein-after provided, to assess the Heritors, Proprietors, and Life Renters of all Lands, Dwelling Houses, Shops, Warehouses, and other Buildings and Heritages of every Description, and Pertinents thereof, locally situated and comprehended within the Boundaries and Limits described in the said recited Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for watching, cleansing, and lighting the Streets of the City of Edinburgh and adjoining Districts, and for regulating the Police thereof, and for other Purposes relative thereto*, in a further annual Sum of One *per Centum* of the yearly Rent or Worth thereof, in respect of Property, and to assess the Tenants or Occupiers of the said Lands, Dwelling Houses, Shops, Warehouses, and other Buildings and Heritages of every Description, and Pertinents thereof, locally situated and comprehended as aforesaid, in a further annual Sum of One Half *per Centum* of the yearly Rent or Worth thereof, in respect of Occupancy, and that for such Number of Years as, joined with the Prolongation of the General Assessments

Power to  
further assess  
Proprietors  
and Tenants.

3 G. 4. c. 78.



Assessments of One Pound *per Centum* and One Half *per Centum per Annum*, contained in the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and with the Assessment on improved Districts, both herein-after provided for, shall raise, levy, assess, and provide the foresaid clear Sum of Sixty-five thousand Pounds Sterling as a present Capital, as on the First Day of *March* in the present Year One thousand eight hundred and thirty-one, but no more and no longer.

Original  
general As-  
sessment to  
be prolonged.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, in addition to the Assessments under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, to prolong and continue, for such Period as shall be necessary to raise the said Sum of Sixty-five thousand Pounds as aforesaid, but not exceeding Six Years after the Expiration of the Period of Twelve Years provided in the said before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, the general Assessments of One Pound *per Centum* and One Half *per Centum per Annum*, authorized to be imposed and levied by the said last-recited Act, and to assess the Parties and Subjects liable to the same accordingly for the said additional Term not exceeding Six Years.

Assessments  
in improved  
Districts.

XX. And be it further enacted, That in addition to the said Assessments, and to the Assessments by the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty authorized to be assessed and levied on the improved Districts therein described, it shall be lawful for and in the Power of the said Commissioners, and they are hereby authorized and required, to assess the Heritors, Proprietors, Owners, or Life Renters of the Lands, Dwelling Houses, Shops, Warehouses, and other Buildings and Heritages of every Description, and Pertinents thereof, situated within the First, Second, Third, Sixth, Twenty-first, Twenty-second, Twenty-sixth, Twenty-seventh, Twenty-eighth, and Twenty-ninth Wards of Police, and that Part of the Twenty-fourth Ward of Police which is locally situated to the West of the Line of *Nicolson Street* and *Clerk Street*, and that Part of the Thirtieth Ward which is locally situated to the South of *Mailland Street*, as the said Wards are described in the said recited Act of the Third Year of the Reign of His late Majesty, in a further additional Sum annually of One Half *per Centum* on the yearly Rent or Worth thereof, for the same Term and Period as the general Assessment herein-before authorized to be imposed on the whole Wards of Police, and that so long as shall be necessary, along with the said general Assessments of One *per Centum* and One Half *per Centum*, and the Prolongation of the Assessments under the said last-recited Act herein-before authorized to be levied, to produce the said Sum of Sixty-five thousand Pounds of present Capital, as on the said First Day of *March* in the present Year One thousand eight hundred and thirty-one, and no longer.

Assessments  
to be payable  
at Martinmas  
yearly.

XXI. Provided always, and be it further enacted, That the said Sums hereby authorized to be assessed shall be payable at the Term of *Martinmas* yearly, commencing the first Payment at the first Term



of *Martinmas* after the passing of this Act, except where herein otherwise specially provided.

XXII. And be it further enacted, That for the Purpose of fixing and ascertaining when there shall have been assessed, levied, and raised, by virtue of the Powers above conferred, the aforesaid free Capital Sum of Sixty-five thousand Pounds Sterling, immediately after which the Assessments above authorized are to cease and determine, the said Commissioners are hereby required to keep a separate and exact Account of all Monies to be assessed, levied, and raised by virtue of the Powers above conferred, together with the Interest received thereon, and to bring the same to a Balance at least Once in each Year, which Balance shall be forthwith made public; and the Date of such Balance shall be held and taken, in calculating the Value of the Assessments, to be the Date at which the whole Assessments recovered since the preceding Balance, with Interest as aforesaid, shall have been actually paid and recovered, and the Value of such Assessments, as present Capital as aforesaid, shall be calculated accordingly.

Separate Account of Assessments under this Act to be kept.

XXIII. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is enacted, that the Sums of Money thereby appointed to be assessed shall be paid by the Tenants or Occupiers of the said Lands, Areas, Dwelling Houses, Shops, Warehouses, and other Houses and Buildings or other Heritages, who shall be entitled to deduct from their Rents the Landlord's Proportion of the said Sums so paid, upon Production of the Receipts for Payment of such Assessments, without Prejudice always to the said Commissioners levying the same from the Owner, Proprietor, or Life Renter, in case the same shall not be paid by the Occupier or Tenant as aforesaid; provided always, that in all Cases where the annual Rent paid by any Tenant or Occupier shall be less than the Landlord's Proportion of such Sums so to be paid by such Tenant or Occupier, the Landlord's Proportion of such Sums shall be leviable by the said Commissioners only from the Owner, Proprietor, or Life Renter of the Property, and not from the Tenant or Occupier; be it further enacted, That the foresaid Provision shall be held and considered as applying and extending to the whole public Assessments hereby authorized to be imposed and levied: Provided always, that with regard to the Assessments thereby and hereby authorized to be imposed, in all Cases where the annual Rent payable by any Tenant or Occupier shall not exceed Ten Pounds Sterling, the Landlord's Proportion of such Assessment shall be, in the Option of the said Commissioners, leviable by them at once from the Owner, Proprietor, or Life Renter of the Property, without previous Application to the Tenant or Occupier; and further, that in all Cases of the levying of the foresaid Assessments where Recourse is appointed to be had upon Owners, Proprietors, or Life Renters, in case of Non-payment by Occupiers or Tenants as aforesaid, the said Commissioners are hereby required to intimate, within Twelve Months after the respective Terms of Payment, by Notices served upon or at the Dwelling Places of such Owners, Proprietors, and Life Renters, or their known Factor or Agent, or, in the event of neither being discovered, then

As to the Landlord's Assessment by them; on Houses of and under 10<sup>l</sup>.

Requisition of Notices.

[*Local.*]

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upon or at the Dwelling Places of the Tenants or Occupiers of their Properties, or, in the event of the same being unoccupied, affixed to the Premises, that such Assessments are due and unpaid: Provided, also, that a Certificate under the Hand of the Collector for the Time being, of such Notice being given, shall be held and deemed conclusive Evidence thereof; but in the event of such Notice not being given within the Period and in manner aforesaid, the said Commissioners shall *ipso facto* thereby forfeit and lose their whole Recourse upon such Owners, Proprietors, and Life Renters as aforesaid.

Commissioners not to continue the Assessments unless there is a Deficiency of Means.

XXIV. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is declared, that as the general Assessments thereby authorized, of One Pound *per Centum* upon Heritors, Proprietors, and Life Renters, and One Half *per Centum* upon Tenants or Occupiers, extend over the whole of the Boundaries and Limits aforesaid, while Parts thereof, as aforesaid, are more benefited than others; and it was therefore just and equitable that the aforesaid first-mentioned general Assessment should be placed on a different Footing from the additional and special Assessments authorized by the said last-recited Act; therefore it was enacted, that at the End of Six Years from the Commencement of the said first-mentioned general Assessment, the said Commissioners should, and they are thereby required to frame and prepare a stated Account of Profit and Loss on the Execution of the Purposes of the said Act, in whatever State of Advancement the same might then be, with relative Estimates and Valuations; and that it should not be lawful for the said Commissioners at that Period to continue such general Assessment beyond the then current Year, unless it should appear to them from such stated Account that there was a Deficiency of Means for completing the Purposes of that Act; and at the End of every Second Year thereafter a similar stated Account should be made out; and that it should not be lawful for the said Commissioners to continue such general Assessment beyond the Year in which such stated Account might be made, unless it should appear to them from such stated Account that there would still be a Deficiency of Means as aforesaid: Be it therefore enacted, That the said Enactment shall be held and considered as extending to the new Assessments hereby authorized as well as to the Assessments authorized by the said last-recited Act: Provided always, that nothing herein contained shall be held as preventing the said Commissioners from continuing the aforesaid Assessments in the said last-recited Act and in this Act authorized, if it shall appear to them from the aforesaid stated Accounts that the same is necessary for carrying into effect the Purposes of the said last-recited Act and this Act, and of which Necessity a Resolution of the said Commissioners at a Meeting called for the Purpose shall be conclusive Evidence to all Intents and Purposes whatsoever: Provided also, that the Commissioners hereby appointed shall never by virtue of the Powers herein-before conferred raise or levy more under the aforesaid Assessments than the aforesaid Sum of Sixty-five thousand Pounds as a present Capital as aforesaid.

XXV. And



XXV. And whereas the Purposes of this Act cannot be completely accomplished unless the Members of the College of Justice, and all other Persons resident within the Bounds to which this Act extends, are assessed in common; be it further enacted, That the Rates and Assessments hereby granted shall and may be levied from all the Members of the College of Justice within the Bounds before described in the same Manner as they are levied from the other Inhabitants, and the Members of the College of Justice shall be subjected to the same Mode of Proceeding as the other Inhabitants in regard to all Matters and Things in the said last-recited Act and in this Act contained; and no Person, of whatever Description, resident within the Limits of this Act, shall be entitled to plead any Privilege of Exemption from the Assessments herein authorized to be levied, upon any Ground or Pretext whatever, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall be deemed to be a Waiver on the Part of the said College of Justice of their Privileges as by Law established as to any Rates or Assessments other than those authorized to be levied under this Act, and that the said Privileges of the College of Justice as by Law established shall be and they are hereby saved and reserved in all other respects, and nothing in this Act contained shall be held as infringing upon or altering the Privileges of the College of Justice in the Matters aforesaid, or in any other respect.

Assessments to be paid by the College of Justice.

XXVI. And be it further enacted, That all Rights, Titles, and Securities taken in favour or on behalf of, and all Means and Estate, Heritable and Moveable, Real and Personal, belonging to the Commissioners under the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, shall be and be held and regarded as taken in favour of and belonging to the Commissioners under this Act as well as to the Commissioners under the said last-recited Act; and all Debts and Obligations; and, without Prejudice to this Generality, all Contracts, Bonds, and Assignments heretofore incurred, undertaken, or granted by or on behalf of the foresaid Commissioners under the said last-recited Act, shall be and be held and regarded as being incurred, undertaken, and granted by the Commissioners under this Act as well as by the Commissioners under the said last-recited Act, and shall remain in full Force according to the several Rights already granted by the said Commissioners under the said last-recited Act, and in favour of the several Persons Parties thereto.

Rights and Obligations under former Act to attach to Commissioners under this Act.

XXVII. And be it further enacted, That the Clerk or Clerks, Collector or Collectors, Treasurer or Treasurers, and other Officers appointed or to be appointed under the said last-recited Act, shall be held and regarded as Clerk, Collector, Treasurer, or other Officer respectively under this Act, with all the necessary Powers and Privileges conferred, and under all the Obligations laid upon the said Clerk or Clerks, Collector or Collectors, Treasurer or Treasurers, or other Officers aforesaid, by the said last-recited Act: Provided always, that such Clerk or Clerks, Collector or Collectors, Treasurer or Treasurers, and other Officers as aforesaid, shall be removable at the Pleasure of the said Commissioners; and that the Securities taken or to be taken

Officers under last-recited Act to be Officers under this Act.

from



from them, for the due Execution of their respective Offices under the said last-recited Act or this Act, shall be held and deemed as Securities under both Acts; and that all the other Provisions, Restrictions, and Declarations relative to the said Officers or any of them, contained in the said last-recited Act, shall be held and deemed as extending and applying to this Act.

Quorum.

XXVIII. And be it further enacted, That at all Meetings of the Commissioners under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act, Five shall be a Quorum, except in Cases where the same is herein otherwise provided, and where by the said last-recited Act a larger Quorum than Nine is required; in which last Cases the Quorum shall be Thirteen.

Commissioners to repay the voluntary Subscriptions within Two Years.

XXIX. And whereas it was deemed expedient for the Commissioners appointed by the said last-recited Act to provide against the Necessity of putting a Stop, at an inclement Season of the Year, to the Works under their Charge, by reason of Want of Funds, before the passing of this Act, by raising a Sum of Money, to be applied towards carrying on the Works, by voluntary Loan from the Public Bodies and Inhabitants of the City of *Edinburgh* and others, by affording Days Wages for Labour to the Workmen to be employed; be it therefore enacted, That it shall and may be lawful to the said Commissioners and they are hereby required, within Two Years after the passing of this Act, out of the Funds hereby provided, to repay to such Public Bodies and Individuals the Amount of the Sums lent by them respectively for the Purpose aforesaid, with Interest at the Rate of *Three per Centum per Annum* on such Sums from the Period of advancing the same till Repayment.

Power to borrow Money on Assessments, either by Assignment or by transferable Bond;

XXX. And be it further enacted, That it shall and may be lawful for the Commissioners to be appointed in virtue of this Act, and they are hereby authorized and empowered, to borrow and take up at Interest from Time to Time, and at a Rate not exceeding *Five per Centum per Annum*, on the Security of the further Assessments herein authorized to be imposed and levied as aforesaid, any Sum or Sums of Money not exceeding in all the Sum of Sixty-five thousand Pounds Sterling; estimated as aforesaid, as a present Capital, as at the First Day of *March* in the present Year One thousand eight hundred and thirty-one; and it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to assign and make over the Whole or any Part of the Assessments herein-before authorized to be levied and assessed, to any Person or Persons from whom the Money or any Part thereof shall be borrowed, as a Security for the Repayment thereof, and of the Interest arising thereon; and such Assignment in Security for Money so to be borrowed shall be made and executed by the Clerk or Clerks of the said Commissioners in their Name and on their Behalf, he or they being specially authorized to that Effect by a General Meeting of the said Commissioners; or it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to grant to the Person or Persons from whom the Money



or any Part thereof shall be borrowed, Bonds for the Sums so to be advanced or lent, and which Bonds shall be payable at the Terms that may be agreed upon with the several Lenders, and shall be held and deemed to be Moveable Property, descendible to Executors, and shall be transferrable by Indorsement, and payable all in manner herein provided, such Bonds being of the Form and Tenor or to the Effect herein-after provided; and full Copies of such Bonds shall be engrossed in the Book of Obligations of the said Commissioners, and the Copies so entered shall be signed by the Clerk or Clerks and by Two of the said Commissioners.

XXXI. And be it further enacted, That the said Commissioners shall be bound and obliged, and they are hereby authorized and required, to apply the Assessments herein-before authorized to be levied and assessed *primo loco* in Payment of the Interest that may from Time to Time become due on the foresaid Sums so borrowed on Assignment or on transferrable Bond as aforesaid, and *secundo loco* towards the Liquidation and Payment of the Principal Sum or Sums so borrowed as herein-before authorized.

Interest and  
Principal  
to be pay-  
able out of  
Assessments.

XXXII. And be it enacted, That such Bonds for the Monies to be borrowed as last above authorized shall be in the Words and of the Form and Tenor or to the Effect following; *videlicet*,

Form of  
Bonds.

Number [here state the Number].

BY virtue of an Act made in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same*, and also of an Act made in the Year of the Reign of His present Majesty, intituled *An Act* [here set forth the Title of this Act], I A. B., Clerk to the Commissioners under the foresaid Acts, and by Authority of the said Commissioners, in consideration of the Sum of [here state in Words at Length the Amount of the Sum or Instalment for which the Bond is granted], Sterling, instantly lent and paid to me, on account of the said Commissioners and for the Purposes of the said Acts, by C. D. of E., do hereby bind and oblige the said Commissioners for the Time being, out of the Assessment of Sixty-five thousand Pounds as a present Capital by the said last-mentioned Act authorized to be levied, to pay to the said C. D., his Executors, Administrators, or Assignees, Interest for the said Sum at the Rate of [here state the agreed-on Rate of Interest] per Centum per Annum, regularly in the Year at least, on [here state the agreed-on Day or Days of Payment of the Interest], if demanded, from the Date hereof, and to repay such Principal Sum of [here again state the Amount of the Sum or Instalment], and all Interest which shall arise thereon not before paid to the said C. D., his Executors, Administrators, or Assignees, at the Term of [here state the agreed-on Term of Payment of the Principal], which shall be in the Year [here state the agreed-on Year of Payment of the Principal], or at any Term of Whitsunday or Martinmas thereafter, upon Six Months Intimation to the Clerk for the Commissioners for the [Local.] 8 D Time



## 1° &amp; 2° GULIELMI IV. Cap. xlv.

‘ Time being. In witness whereof I have subscribed these Presents,  
 ‘ written by at this  
 ‘ Day of in the Year before these  
 ‘ Witnesses,

‘ K. L. Commissioner. ‘ A. B. Clerk.’  
 ‘ M. N. Commissioner.’

Power to  
indorse Secu-  
rities.

XXXIII. And be it further enacted, That all and every Person or Persons to whom such Bonds shall be issued and granted as aforesaid, or who for the Time shall have Right to the same, may, by a Writing under his, her, or their Hand or Hands, to be indorsed on the Back of such Bond in the Presence of Two credible Witnesses, assign or transfer his, her, or their Right, Title, or Interest in the Premises to any other Person or Persons; and that such Transfer and Indorsement shall be in the following Words, or in Words to the like Effect; *videlicet*,

Form of In-  
dorsement.

‘ I C. D. do transfer this Bond, with all the Right, Title, or Interest  
 ‘ which I have under the same, to E. F., his [her or their, as the  
 ‘ Case may be,] Executors, Administrators, or Assignees. In witness  
 ‘ whereof I have subscribed these Presents, written by  
 ‘ at the Day of before these  
 ‘ Witnesses,

‘ K. L. Witness. ‘ (Signed) C. D.’  
 ‘ M. N. Witness.’

Which Transfer or Indorsement shall be intimated to the Clerk or Clerks to the said Commissioners, who shall cause an Entry or Memorandum of such Transfer or Indorsement, containing the Date, Names of the Parties, and Number or Mark of such Bond and Assignment, and the Interest then due on the same, to be entered in the Obligation Book of the said Commissioners, and shall certify such Entry on the Back of such Bond; and after such Entry or Certificate, and not till then, such Transfer and Indorsement shall entitle the Person to whom the same shall be so made, his, her, or their Executors, Administrators, and Assignees, to the full Benefit of such Bond; and every such Person to whom such Transfer shall be made as aforesaid may in like Manner again transfer such Bond; and after such Entry and Certificate it shall not be in the Power of the Person or Persons making such Transfers by Indorsement, certified to have been entered as aforesaid, to make void, release, or discharge such original Bond or Transfer of the same, or any Monies due or Benefits arising thereupon, or any Part thereof.

Power to  
borrow on  
Heritable  
Security  
repealed.

XXXIV. And be it further enacted, That the Powers granted by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, to the Commissioners acting under the same, to borrow Money upon the Security of the Lands, Areas, Houses, and other Heritages to be acquired by them, shall be and the same are hereby repealed; and it shall not be lawful for nor in the Power of the said Commissioners to grant any Heritable Security whatever over the said Lands, Areas, Houses, and other Heritages so to be acquired by them under the Provisions of the said last-recited



Act or this Act; without Prejudice, nevertheless, to their permitting any Part of the Price of the said Lands, Areas, Houses, and other Heritages to remain secured upon the same in the Form of a Real Lien, to be declared in the Disposition or other Conveyance whereby the said Commissioners shall acquire the same.

XXXV. And whereas, for the Purpose of carrying into effect the Works authorized by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act, it will be necessary for the said Commissioners to have and possess a larger Capital than can be raised by virtue of the Powers to borrow contained in the said last-recited Act and in this Act; and the various Properties acquired and to be acquired by the said Commissioners for the Purposes of the said last-recited Act and this Act are of considerable Value; be it therefore enacted, That it shall be lawful for the Commissioners under this Act, and they are hereby authorized and empowered, in pursuance of any Resolution of the said Commissioners, assembled at a Meeting whereof special Notice stating the Object of meeting shall have been given to each Commissioner, and consisting of not less than Thirteen, to borrow and take up, for the Purposes of the said last-recited Act and this Act, any Sum or Sums of Money not exceeding in all the Sum of Sixty thousand Pounds, to be applied for executing the foresaid Purposes and for none other, upon Bonds for the Sums so to be advanced or lent, affecting the Means and Estate, Heritable and Moveable, Real and Personal, of the said Commissioners, but not including the foregoing Assessments by the said last-recited Act and this Act authorized, and which Bonds shall be payable at the Terms that may be agreed upon with the Lenders, and shall be held and deemed to be Moveable Property, descendible to Executors, and shall be transferrable by Indorsement, and payable all in manner herein provided, such Bonds being of the Form and Tenor or to the Effect herein-after provided; and full Copies of such Bonds shall be engrossed in the Book of Obligations of the said Commissioners, and the Copies so entered shall be signed by the Clerk or Clerks and by Two of the said Commissioners.

Power to borrow Money by transferable Bonds on Security of general Means and Estate of Commissioners.

XXXVI. And be it enacted, That such Bonds for Monies, to be borrowed as last above authorized, shall be in the Words and of the Form and Tenor aforesaid, excepting only that in lieu and place of the Words, "out of the Assessments by the said last-mentioned Act authorized to be levied," the said last-mentioned Bonds shall contain these Words, "out of the Means and Estate, Heritable and Moveable, Real and Personal, of the said Commissioners, and Guarantee Assessment, in case of Deficiency of Means, by the said last-mentioned Act authorized to be levied;" and such Bonds and Assignments, on Paper duly stamped, and signed by the Clerk or Clerks of the said Commissioners, and witnessed by any Two of the said Commissioners, all for the Time being, and issued by Order of such regular Meeting as aforesaid, shall be good and sufficient, until Repayment of such Principal Monies and the Interest to arise thereon; and such Bonds respectively shall constitute a valid Charge on the said Means and Estate, Heritable and Moveable, Real and Personal, and Guarantee

Contents of Form of Securities on the General Means and Estate.

Assess.



Assessment after mentioned, but not on the other Assessments hereinbefore authorized; and the said last-mentioned Bonds shall be transferrable by Indorsement, in all respects as is above provided regarding the said first-mentioned Bonds.

Interest to be paid on Sums borrowed.

XXXVII. And be it enacted, That out of the Means and Estate, Heritable and Moveable, Real and Personal, belonging to the said Commissioners, they, or their Clerk, Treasurer, or Collector for the Time being, shall pay, and they are hereby required regularly Once in the Year at least, if demanded, to pay, the Interest which shall become due upon each of such Bonds and Assignments to the Person having Right to the same for the Time being.

Provision as to Parties neglecting to draw their Interest.

XXXVIII. And be it further enacted, That in case any Person having Right to any of the Bonds hereinbefore authorized to be granted, or Interest due thereon, at the Time when the same shall become due and payable shall neglect to demand or refuse to receive Payment of such Principal Monies or Interest, or shall refuse or be incapable to grant a sufficient Discharge upon Payment, then, upon due Notice given to the Person then having Right or appearing to have Right to such Bond, or to the next of Kin, or Person supposed to be the next of Kin, or the Person known or believed to be otherwise the legal Representative of any deceased Person or Persons who had or were supposed to have Right to such Bond, it shall be lawful to the said Commissioners, or their Clerk, Collector, or Treasurer, and they are hereby authorized, to consign such Principal Monies and Interest, under Deduction of any Expence that may be necessarily incurred, in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, for Behoof of the Person or Persons having Right to the same; and upon Payment or upon such Consignation, the Bond so granted, and having become payable as aforesaid, or the Interest thereon then due, shall be discharged and become void to the Extent of the Sums so deposited: Provided always, that the said Commissioners, or their Clerk, Treasurer, or Collector for the Time being, shall enter, and they are hereby required regularly to enter, a Memorandum of such Payments or Consignations, with the Dates of the same, and the Names of the Parties, and the Number of the Bond, in the Book of Obligations of the said Commissioners.

Commissioners, &c. not to be personally liable.

XXXIX. Provided always, and be it enacted, That neither the said Commissioners nor their Clerk or Clerks or other Officers shall be personally subject or liable to pay any Sum or Sums of Money taken up on Bond as aforesaid, by reason of authorizing the Signature of or signing such Bonds.

Power to dispose of Heritages notwithstanding Bonds.

XL. Provided always, and be it further enacted, That such Bonds by the said Commissioners shall not be considered or construed so as to preclude them in any Shape from feuing, selling, or disposing of the Lands, Areas, Houses, and other Heritages acquired or to be acquired by them, as authorized by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and by this



this Act, but their Powers to that Effect shall remain unimpaired, notwithstanding of such Bonds; and the Feuars or Purchasers from them shall be no ways responsible to the Holders of the said Bonds, but shall be fully discharged and acquitted of their respective Feu Duties or Purchase Prices of the said Lands, Areas, Houses, and other Heritages by the Receipt and Acknowledgment of the Clerk of the said Commissioners, or other Person authorized by them to receive or discharge the same; nor shall the said Lands, Areas, Houses, or other Heritages themselves be considered in any Shape pledged for the said Loans, further than to the Extent of the Feu Duties or Prices to be received for the same by the said Commissioners as aforesaid; and provided also, that nothing in this Act contained shall be construed or held to affect or encroach upon the Rights of the present Creditors, or upon the Rights of the future general Creditors of the Commissioners under the said last-recited Act and this Act to come in *pari passu* and on a Footing of Equality of Right and Preference with the Creditors lending Money on the Bonds last mentioned, in the Distribution of the Means and Estate, Heritable and Moveable, Real and Personal, of the said Commissioners.

XLI. Provided always, and be it enacted, That for the further Security and Indemnification of the said last-mentioned Lenders, in the event of the foresaid Means and Estates, Heritable and Moveable, Real and Personal, proving insufficient for the Payment and Discharge of the said Sum of Sixty thousand Pounds hereby last authorized to be taken up on Bond at Interest as aforesaid, or any Part thereof, of which a Resolution of the said Commissioners shall be sufficient Evidence, it shall be lawful for the said Commissioners, assembled at a Meeting whereof special Notice stating the Object of meeting shall have been given to each Commissioner, and consisting of not less than Thirteen, and they are hereby authorized and empowered, to continue to assess upon and levy annually the whole Assessments by this Act authorized to be levied, including the Assessments under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, herein-before prolonged, by way of Guarantee Assessment, and that for such further Period, after providing the aforesaid first-mentioned Sum of Sixty-five thousand Pounds as a present Capital, as shall be necessary for enabling the said Commissioners to liquidate and pay off the said Sums last mentioned, taken up and borrowed as aforesaid; such continued Assessments ceasing always and determining when and as soon as there shall have thereby been levied and realized a Sum not exceeding Thirty-five thousand Pounds Sterling as a present Capital, as at the said First Day of *March* in the present Year One thousand eight hundred and thirty-one, calculating Interest in estimating such present Capital as aforesaid at *Five per Centum per Annum*; but it shall not be lawful for them to raise, levy, or assess, and they are hereby expressly prohibited and discharged from raising, levying, or assessing, by virtue of such prolonged Assessment, any further Sum than such Sum of Thirty-five thousand Pounds as a present Capital as aforesaid, or any more thereof than may be sufficient to enable them to pay off the said Sums taken up and borrowed as aforesaid.

Guarantee  
Assessment  
in case of  
Deficiency of  
Means for  
paying Sums  
borrowed.



Provision as  
to Expences  
of Juries.

XLII. And whereas by the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is provided, in the Case of the Prices of Premises authorized to be taken for the Purposes thereof being determined by a Jury, that if such Jury shall by their Verdict award the Premises to be of greater Value than the said Commissioners shall have offered for the same, then and in that Case the Costs and Charges of every sort and kind attending the obtaining of such Verdict shall be paid and defrayed by the said Commissioners; and if the said Jury shall not award the said Premises to be of greater Value than the said Commissioners shall have offered for the same, then and in that Case the said Costs and Charges shall be paid and defrayed in equal Proportions by the said Commissioners and by the Party or Parties refusing to treat or accept of the Price or Recompence offered by the said Commissioners; be it hereby enacted, That the Costs and Charges referred to in the last-mentioned Event of such Jury not awarding the said Premises to be of greater Value than the said Commissioners shall have offered for the same are and shall be the Costs and Charges incurred by the said Commissioners alone, and that the Whole of the same shall in that Event be paid and defrayed by the Party or Parties refusing to treat or accept of the Price or Recompence offered by the said Commissioners.

Declaration  
as to Value  
of Premises  
taken.

XLIII. Provided also, and be it enacted, That such Juries, in inquiring of and giving their Verdict for Damage or Recompence, Price or Prices, to Owners or Occupiers of Lands, Houses, Tenements, Leases, and Heritages, or other Properties, or any Part thereof, for their respective Estates or Interests in the same, or for any Damage done thereto, in manner provided in the said last-recited Act, shall not take into their Consideration the increased Value accruing or supposed to accrue to such Lands, Houses, Tenements, Leases, and Heritages, or other Properties, from the Improvements authorized to be executed by the said last-recited Act and this Act, but shall only take into their Consideration the Value thereof independent of the said Improvements.

Provision as  
to lesser  
Damages in-  
curred, or  
Properties re-  
quired.

XLIV. And whereas, in the Course of carrying into execution the Improvements authorized by the said last-recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, it may happen that Lands, Houses, Tenements, or other Heritages, or Parts thereof, of comparatively small Value, may be required from the Owners or Occupiers thereof, for the Purposes of the said last-recited Act, Damage of a comparatively trifling Nature may be done or supposed to be done to Owners or Occupiers as aforesaid, or to their Lands, Houses, Tenements, Leases, and Heritages, or other Properties, or Parts thereof; the ascertaining of the Damage or Recompence, Price or Prices to be given for which Lands, Houses, Tenements, or other Heritages, or Parts thereof, of comparatively small Value, required as aforesaid, or of such Damage done or supposed to be done thereto, by a Jury, would cause an Expence greatly exceeding the Object at Issue; be it therefore enacted, That if any Person or Persons whatsoever, Bodies Politic, Corporate, or Collegiate, Proprietors, Superiors, or Occupiers of such Lands, Houses, Tene-  
ments,



ments, and other Heritages of comparatively small Value as aforesaid, which may be required for the Purposes of this Act, seised or possessed of, interested in or entitled to the same respectively, shall refuse to treat, contract, or agree to sell the same, or to settle the Damage or Recompence, Price or Prices, in respect of the same, or the Injury done or supposed to be done thereto, as aforesaid, it shall and may be lawful to and for the Sheriff Depute of the said County of *Edinburgh*, and his Substitutes, and they or any of them are and is hereby authorized and required, upon Application from the said Commissioners respectively, or from their Clerk or Clerks for the Time being, to decern for such Damage or Recompence, Price or Prices, according to the usual Form of Process observed in the Court of the said Sheriff, and without the Intervention of a Jury, unless such Person or Persons, Bodies Politic, Corporate, or Collegiate, Proprietors, Superiors, or Occupiers as aforesaid, shall insist upon a Trial by Jury in manner provided by the said last-recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, by requiring such Trial by Jury in his, her, or their Answers to the Petition of the said Commissioners to the said Sheriff: Provided always, that in the event of such Proprietors, Superiors, or Occupiers as aforesaid not insisting as aforesaid upon such Trial by Jury, the Judgment of the Sheriff Depute of the said County, pronounced according to the usual Form of Process, shall be final and conclusive in the Matter, and shall not be liable to be brought under Review of any superior Court by Advocation, Suspension, Appeal, Reduction, or other Form of Law whatever; and in the event of such Proprietors, Superiors, or Occupiers as aforesaid insisting upon a Trial by Jury in manner provided by the said last-recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, and of such Trial taking place, then, if such Jury shall give their Verdict for Damage or Recompence, Price or Prices, not exceeding Fifty Pounds Sterling, such Proprietors, Superiors, or Occupiers as aforesaid shall be found liable to the said Commissioners in the Costs and Charges of every sort and kind attending the obtaining of such Verdict which may have been incurred by the said Commissioners.

XLV. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty it is declared, that in case the said Commissioners shall not purchase the Lands, Areas, Houses, and other Buildings and Heritages to be taken down and used for executing the Purposes of the said Act within Seven Years from and after the passing of the said Act, it shall not be afterwards lawful for the said Commissioners to purchase any of the said Lands, Areas, Houses, and other Buildings and Heritages so remaining unpurchased, without the Consent in Writing of the Owner or Owners thereof first had and obtained; be it enacted, That the said Period shall be prolonged for Seven Years from and after the passing of this Act, after which it shall not be lawful for the said Commissioners to purchase any of the said Lands, Areas, Houses, and other Buildings and Heritages so remaining unpurchased, without the Consent in Writing of the Owner or Owners thereof first had and obtained.

Limitation of  
Period of  
purchasing  
Lands, &c.

XLVI. And



Right of  
Action to  
enforce Pro-  
hibitions as  
to Princes  
Street and  
Bruntsfield  
Links, and  
the Meadows.

XLVI. And whereas the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty contains certain Declarations and Restrictions to the Effect that it shall not be competent to nor in the Power of the Lord Provost, Magistrates, and Council of *Edinburgh*, or of any other Person or Persons, without the Sanction of Parliament obtained for that express Purpose, at any Time after the Date of the said last-recited Act, to erect Buildings of any kind upon the Area opposite to *Princes Street*, Eastward of the Mound, belonging in Property to the said Lord Provost, Magistrates, and Council, nor to discharge any Restriction regarding building which may be contained in any Feu Right or other Conveyance which had then been or might thereafter be granted of any Part of the said Area opposite to *Princes Street*, Eastward of the Mound, whether Buildings had previously been erected in virtue of the Feu Rights or Conveyances, or not; and that unless such Sanction were obtained the Whole of the said Area belonging in Property to the said Lord Provost, Magistrates, and Council should be used as an Ornamental Area in all Time coming, excepting always a Public Theatre or Playhouse, the Plan and Position of which were to be previously sanctioned and approved of by the Commissioners by the said last-recited Act appointed; provided always, that nothing therein contained should be held or construed to take away any Right which the Feuars in *Princes Street*, or in any other Part of the New Town of *Edinburgh*, or any of them, might have to object to the Erection of the said Theatre or Playhouse, or to the Plan and Position of the same; provided also, that as it was desirable generally to retain the present Levels of the said Area, Care should be taken in the laying out thereof to preserve its Character as a Valley between the Old and New Towns; and also that it should not be competent to nor in the Power of the Lord Provost, Magistrates, and Council of *Edinburgh*, or any other Person or Persons, without the Sanction of Parliament, obtained for the express Purpose, at any Time after the Date of the said last-recited Act to erect Buildings of any kind upon any Part of the Ground called the *Meadows* and *Bruntsfield Links*, so far as the same belong in Property to the said Lord Provost, Magistrates, and Council; but the said last-recited Act does not contain any Power to any Party to enforce the aforesaid Declarations and Restrictions; be it therefore enacted, That the same shall and may be enforced and made effectual at the Instance or by any Suit or Action to be raised in the Name of the Commissioners by the said last-recited Act and this Act appointed, or their Clerk or Clerks, or of any one or other of the Proprietors or Householders within the Bounds of Police of the said City for the Time being.

Plans of the  
Mound may  
be altered.

XLVII. And whereas by the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is enacted, that no Buildings shall be erected on the Earthen Mound of the said City as therein mentioned, other than those delineated on certain Plans for erecting Buildings on the said Earthen Mound prepared by *William Henry Playfair* Architect: And whereas since the passing of the said Act certain Modifications and Alterations of the said Plans have been prepared by the said *William Henry Playfair*, and other Modifi-



cations may still be prepared, which will not only prove beneficial to the Parties interested in the Execution thereof, but to the Public; be it therefore enacted, That it shall and may be lawful to adopt such general Modifications and Alterations of the Plan referred to in the before-recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, as have been or shall be prepared by the said *William Henry Playfair* or any other Architect: Provided always, that the same shall be settled and agreed to and signed by the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, the Trustees of *Thomas Tod*, and the Proprietors of *Princes Street*, West of *Hanover Street*, and by the Commissioners herein-before appointed, or Quorum of the said Commissioners, or by Persons duly authorized by the said Town Council, Trustees, Proprietors, and Commissioners, by Docquets on the Ground Plan of the said Earthen Mound, or as shall be prepared by the said *William Henry Playfair* or other Person or Persons, with reference to the said Ground Plan, within Twelve Months after the passing of this Act: Provided always, that the Buildings as delineated on the said Plans, modified and altered, or to be modified and altered as aforesaid, shall in no event exceed the Heights specified in the Plan before referred to, prepared by the said *William Henry Playfair*, by more than One Foot; and the said Buildings shall be erected by the said Lord Provost, Magistrates, and Town Council, or their Successors in Office, or their Feuars in conformity thereto, on the Eastern Side of the said Mound, within Seven Years from and after the passing of this Act, and, in so far as the said Buildings are to occupy that Part of the Western Side of the said Mound which belongs in Property to the said Lord Provost, Magistrates, and Town Council, and to the Trustees of *Thomas Tod*, or their Feuars, within Ten Years from and after the passing of this Act; and provided that if such modified Plans shall not be prepared and made out by the said *William Henry Playfair*, or other Person or Persons, and signed as aforesaid, or shall not be executed within the foresaid Periods respectively, then and in that Case the Provision of the foresaid Act of the Seventh and Eighth Year of the Reign of His late Majesty, prohibiting the Erection of any Buildings on the Mound so far as belongs to the said Lord Provost, Magistrates, and Council, except those described in the original Plans of the said *William Henry Playfair*, shall remain in force, and the same may be enforced and made effectual at the Instance or by any Suit or Action raised in the Name of the Commissioners appointed in virtue of this Act, or of their Clerk or Clerks, or any Owners or Occupiers within the said Bounds of Police; but nothing herein contained shall extend or be construed to extend to alter the Powers or Limitations of the said recited Act in so far as relates to the Level of the Roadway on the said Mound, or any other Matter or Provision not herein expressly altered or taken away.

XLVIII. And whereas by the said last-recited Act Power is given to the said Commissioners to level, widen, and otherwise improve the Earthen Mound and *Bank Street*, and to widen the Street called the *Castle Hill*, by removing certain Houses and Buildings on the North Side thereof, all in such Manner and according to such Plan or Plans as shall be fixed and determined upon by the said

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Bank Street not to be widened, nor Castle Hill, by Removal of Houses on the North Side, and not



more than  
700*l.* to be  
expended in  
levelling,  
widening, or  
improving  
the Mound.

Commissioners, and under the Provisions therein made; be it enacted, That the Powers thereby conferred shall be and the same are hereby restricted and repealed in so far as they authorize the widening of the said Street called *Bank Street*, and in so far as they authorize the Removal of the Houses on the North Side of the *Castle Hill*; and it shall not be lawful to nor in the Power of the said Commissioners to widen the said Street called *Bank Street*, nor to widen the said Street called the *Castle Hill*, by removing the Houses and Buildings on the North Side thereof; nor shall it be lawful to or in the Power of the said Commissioners to expend any further Sum in levelling, widening, or otherwise improving the said Earthen Mound than Seven hundred Pounds Sterling, out of the Assessments authorized by the said last recited Act and this Act.

No Money to  
be laid out on  
Street from  
Chapel Street  
to St. Patrick  
Square.

XLIX. And whereas by the said last-recited Act Powers are given to the said Commissioners to carry a Street from *Chapel Street*, opposite to the Chapel of Ease, in a direct Line to *St. Patrick Square*, and in the event therein mentioned to apply Part of the Assessment Fund authorized by the said last-recited Act towards defraying the Expence of purchasing the Property necessary for the Formation of the said Road; be it enacted, That so much of the said Power as authorizes the Application of any Part of the aforesaid Assessments to the said Purpose shall be and the same is hereby repealed; and it shall not be lawful to nor in the Power of the said Commissioners to apply any Part of the Funds committed to them by the said last-recited Act or by this Act to the Purpose of carrying through the said Street.

Declaration  
as to the  
Castle Wynd  
being a  
Thorough-  
fare.

L. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is provided that nothing therein contained should authorize or empower or be construed to authorize or empower the said Commissioners or any other Person or Persons to take Possession of, shut up, or build upon the Wynd called the *Castle Wynd*, or the Road leading therefrom to the Reservoir on the *Castle Hill*, unless in such Way as should preserve Access thereby to the *Edinburgh Water Company*, their Workmen and Servants; and that the said Commissioners should make and construct a good Flight of Steps, at least Twelve Feet broad, from the *Castle Wynd* to the new Road thereby authorized to be made, and another Flight of Steps, at least Twelve Feet broad, from the North Side of the new Road to the West, thereby authorized to be made, leading to the Reservoir on the *Castle Hill*: And whereas Doubts have been expressed whether under the Terms of the said Enactment the Access provided as before mentioned is meant to be limited to the *Edinburgh Water Company*, their Workmen and Servants, to the Exclusion of all others; but it is just and expedient that the Public at large should enjoy the Benefit of such Access; be it therefore enacted and declared, That such Access shall be enjoyed by the Public at large, and the aforesaid Flights of Steps shall be and they are hereby declared to be a public Thoroughfare.

LI. And



LI. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty Powers are given to the said Commissioners, in certain Events and under certain Conditions, to remove the Charity Workhouse, Children's Hospital, and Bedlam of the City of *Edinburgh*, partially or totally, in manner particularly specified in the said last-recited Act; be it enacted, That the said Powers shall be and the same are so far hereby restricted and repealed that it shall not be lawful to nor in the Power of the said Commissioners to purchase or remove the Charity Workhouse, Children's Hospital, or Bedlam, nor to make any Arrangement with the Managers of the Charity Workhouse for the Removal of the said Charity Workhouse, Children's Hospital, or Bedlam, and for giving them new Accommodation in lieu thereof; but that the said Commissioners shall be empowered, as they are hereby authorized, to make a Roadway only through the Grounds belonging to the said Managers; provided always, that the previous Consent in Writing of the said Managers shall be obtained thereto.

Provision as to Charity Workhouse, &c.

LII. And whereas a Ground Plan of the whole Improvements to be executed in virtue of the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty and this Act, exhibiting the Situation of the whole Works to be executed, and the Lands, Grounds, and Tenements still to be purchased, together with a Specification of the whole Works to be executed by the said Commissioners, have been deposited with the Clerk of the Parliaments, which Works are within the Limits fixed by the said last-recited Act; be it further enacted, That the said Plan and Specification shall remain in the Custody of the Clerk of the Parliaments, and that the said Commissioners shall not have Power to execute any other Works, or to purchase any other Lands, Grounds, or Tenements, than those pointed out on the said Plan and Specification: Provided always, that it shall be incumbent on the said Commissioners to be appointed under this Act, and they are hereby authorized and required, as soon as may be, to consider and determine whether the Works in the said Plan and Specification may not be beneficially carried into effect in a more economical Manner, and if they shall so determine, then to execute the Works accordingly, but reserving to all Parties concerned the legal Effect of all existing Contracts.

Ground Plan and Specification deposited.

LIII. And be it further enacted, That the Commissioners appointed under the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and this Act, before entering into any Contracts or Engagements for the Execution of any of the Works by the said recited Act and this Act authorized, shall be and they are hereby required to procure Specifications and Estimates of such Works, and after due Investigation to adopt such Means of executing the same, as shall appear to them the most economical, consistently with the due Execution of such Works.

Commissioners to procure Specifications and Estimates.

LIV. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, after reciting an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for extending the Royalty of the*

Minister of St. Stephen's held a Minister of the Tolbooth Church, &c.



49 G. 3. c. 2

*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 Andrews; for further regulating the Assessment for the Poor in the said Parish; 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 Meadows on the South Side of the said City, the said Lord Provost, Magistrates, and Town Council were authorized to discontinue Two of the Churches or Places of Worship under the Roof of the Church or late Cathedral of Saint Giles, and to build Two additional Churches in place thereof, including the Church in Saint Vincent Street, then building, and now called Saint Stephen's Church, and to transfer the Ministers of the Churches to be so discontinued to the Churches required by the said last-mentioned Act to be built: And whereas it was further provided by the said last-mentioned Act, that the eventual Discontinuance of any Church or Place under the Authority of the same should not affect any Right or Privilege of which the then present Ministers or Minister thereof might possess of being *ex officio* Governors of certain Hospitals or Schools or other Institutions within the said City of *Edinburgh*, but that the said Right or Privilege should belong in Time coming as in Time past, not only to them but to their Successors in Office in that Church of the said City, whatever it might be, to which they or their Successors in Office might be either immediately or ultimately appointed: And whereas it was in contemplation of the said Lord Provost, Magistrates, and Town Council, when the said last-mentioned Act was passed, not only to discontinue the Tolbooth Church, in which Two Ministers officiated, and which was One of the said Places of Worship under the Roof of the said Church or late Cathedral of *Saint Giles*, but also to uncollegiate the same, by placing it under the Charge of a single Minister, and to transfer One of the Ministers thereof to One of the new Churches referred to in the said last-mentioned Act, and the other or Second Minister thereof, to another of the said new Churches: And whereas One of the Ministers of the said Tolbooth Church having died shortly after the passing of the said last-mentioned Act, the said Lord Provost, Magistrates, and Town Council, instead of electing a Successor to him, to be Second Minister of the said Tolbooth Church, and afterwards transferring such Second Minister to One of the new Churches, appointed a Minister at once to the Charge of *Saint Stephen's Church* before mentioned, One of the new Churches referred to in the said last-recited Act, whereby it has become a Matter of Doubt whether the said Minister of *Saint Stephen's Church*, though virtually filling the Place of One of the Ministers of the said Tolbooth Church, is entitled, under a strict Construction of the Provision before recited, contained in the said last-mentioned Act, to the Rights and Privileges before mentioned, competent to the Ministers of the said Tolbooth Church for the Time being: And whereas the said Lord Provost, Magistrates, and Town Council have not yet finally resolved whether the Tolbooth Church before mentioned shall be discontinued or not; And whereas, among other Privileges enjoyed by the Ministers of the said Tolbooth Church, that of being Governors during their Incum-*



bency of the Institution in the said City of *Edinburgh* known by the Name of *James Gillespie's* Hospital and Free School, which Privilege was specially conferred on the Ministers of the said Tolbooth Church for the Time being, and their Successors in Office, by the Founder of the said Hospital and Free School, was One : And whereas it is expedient that the Number of Clerical Governors of the said Hospital and Free School provided for by the Will of the Founder should be continued ; and in order to remove all Doubts in future as to the Ministers entitled to the Privilege of being Governors of the said Hospital, be it enacted, That the Minister of the Tolbooth Church, or of the new Church to which the present Minister of the Tolbooth Church, may be eventually removed, whatever the same may be, and the Minister of *Saint Stephen's* Church before mentioned as having come in place of the former Second Minister of the Tolbooth Church, and their Successors in Office in the said Churches respectively, shall be perpetual Governors of the said Hospital and School known by the Name of *James Gillespie's* Hospital and Free School in the said City, and as such shall in all Time coming be entitled to exercise and enjoy all the Rights and Privileges competent to the Governors of that Institution, in the like Manner as the Ministers of the said Tolbooth Church were formerly Governors, and entitled to exercise and enjoy such Rights and Privileges as aforesaid ; any thing in the said last-recited Act to the contrary notwithstanding.

LV. Provided always, and be it enacted, That neither the said Commissioners, nor their Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, or other Office-bearers, appointed by them in Terms of the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, or of this Act, shall be personally liable for any Act or Deed done or to be done, or Instrument or other Writing or Engagement executed or entered into, by them, in the due Discharge of the Duties committed to them by the said last-recited Act or this Act, but they shall be personally indemnified and saved harmless from the same, and that only the Means and Estate, Heritable and Moveable, Real and Personal, under the Administration of the said Commissioners, shall be bound and liable for the same.

Declaration  
as to personal  
Liability of  
Commis-  
sioners.

LVI. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty it is declared, that the same shall commence from and after the passing thereof, and shall remain in force from thenceforth during the Term of Twenty-one Years, and no longer ; be it enacted, That the said last-recited Act, except in so far as the same is hereby altered, and this Act, (which last shall commence from and after the First Day of *November* in this present Year, One thousand eight hundred and thirty-one,) shall remain in force in all respects, except as above excepted and provided, during the Term of Twenty-one Years from and after the Commencement of this Act, and no longer : Provided always, that in so far as the said Commissioners shall, at the Expiration of the foresaid Period of Twenty-one Years, have belonging to them and undisposed of any Means and Estate, Heritable or Moveable, Real or Personal, or shall lie under any unfulfilled Obligation, the said

Limitation of  
the Act.

[*Local.*]

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last-recited Act and this Act shall continue in force to the Purpose and Effect of enabling them to dispose of such Means and Estate, or to fulfil such Obligations, ay and until such Disposal or Fulfilment shall be complete respecting the same; but provided always, that it shall be optional to and in the Power of the said Commissioners, in the event of their having on hand at any Time Lands, Areas, Houses, or other Heritable Subjects fetted out, holding of themselves, or of their at any Time feuing or being about to feu out such Lands, Areas, Houses, or other Heritable Subjects, to treat, contract, and agree with any Corporate Body within or connected with the City of *Edinburgh*, for having the same declared to be held of such Corporate Body, in lieu of the said Commissioners, as Superiors, and the same shall be held accordingly of such Corporate Body as Superiors, with all the usual or stipulated Profits, Emoluments, Casualties, Powers, and Privileges of Superiority according to Law; and provided always, that notwithstanding the aforesaid Limitation of the Period of Endurance of this Act, the Clauses in the last recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, and in this Act, contained, relative to the new Arrangement of the Parishes within the said City of *Edinburgh*, and relative to the Prohibition against building on the Area opposite to *Princes Street*, and on the *Meadows* and *Brintsfield Links*, shall not be subject to such Limitation, but shall subsist and be effectual notwithstanding the Expiration of the Term of Endurance of the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, and of this Act; any thing therein or herein contained to the contrary notwithstanding.

Expences of Act.

LVII. And be it enacted, That the Expences of applying for and obtaining this Act, with all Plans, Surveys, and Estimates necessary thereto, shall be paid by the said Commissioners out of the first and readiest of any Monies in their Hands, or which may come into their Hands, but not out of the Assessments levied or leviabie under the said last-recited Act, already assigned to Creditors.

Surplus Fund how to be applied.

LVIII. Provided always, and be it enacted, That the said Commissioners appointed under this Act shall and they are hereby required to pay over any Residue of the Funds herein provided that may remain in their Hands after completing the Purposes of the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty, and of this Act, to the Commissioners for the Time acting under the Authority of the said recited Act of the Third Year of the Reign of His late Majesty, for watching, cleansing, lighting, and regulating the Police of *Edinburgh*, or under any other Act which may be then in existence for similar Purposes.

Public Act.

LIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all Judges, Justices, and others without being specially pleaded.



SCHEDULE (A.) to which this Act refers.

FORM of the Book to be used in the Election of Commissioners.

Name and Designation of Commissioner voted for.	Signatures of Electors.	Designations of Electors.	Residence of Electors.

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