



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxi.

An Act to amend an Act for making certain Streets in the City of *Glasgow*; and for forming a Street from *King Street* to *Stockwell Street*, and from thence to *Howard Street*, in the said City. [10th June 1825.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act for amending an Act of His late Majesty King George the Third, relating to the Conversion of the Statute Labour within the Royalty of Glasgow; and another Act of His said late Majesty, relating to the Sale of Live Cattle in the City of Glasgow; and for opening certain Streets, and otherwise improving the said City*: And whereas it would tend much to the Improvement and Ornament of the City of *Glasgow*, to the Prevention of Disease, and to the Accommodation of the Inhabitants of the said City, if a new Street from *King Street* Westward to *Stockwell Street*, and from thence Westward to *Howard Street*, were opened and formed therein: And whereas there are not Funds belonging to the Community of the said City, which can be applied to such Purpose, although the Magistrates and Council of the said City approve thereof, and are desirous to promote the same: And whereas certain Persons have entered or are willing to enter into a Subscription, whereby the Sum necessary for the Purpose of opening the said Street has been or may be raised, upon their being authorised to open the same; but such Object cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may

[Local.]

be

Handwritten notes and signatures in the right margin, including the name 'G. G. G.' and other illegible text.

Commissioners appointed.

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 *James Buchanan, James Oswald, James Dennistown, Dugald Macfie, Michael Rowand, William Dunn, James Lumsden, William Mirilees, Philip Grierson, Alexander Johnston, James Davidson, and Robert Reid*, and all such Persons as have subscribed or shall subscribe a Sum not less than One hundred Pounds for or towards making the said Street, or who shall purchase or otherwise become Holders of Shares of the said Capital Sum or Stock to the Extent of One hundred Pounds, shall, while they continue to hold such Shares to the Extent aforesaid, be, and they are hereby appointed Commissioners for opening, forming, causewaying, and paving the said Street; and forming and erecting all Buildings, Arches, Sewers, and Drains, and other Works necessary thereto, in Manner after-mentioned.

Commissioners may raise Money by Subscription.

II. And be it further enacted, That it shall be lawful to and in the Power of the said Commissioners to raise by Subscription, for the Purposes of this Act, such a Capital Sum or Stock as shall be necessary therefor, and to divide the same into Shares of Fifty Pounds each; which Shares shall be vested in and belong to the said Subscribers and their Heirs, Successors, and Assignees, in proportion and according to the Amount of the Subscription of such Subscriber respectively; and such Shares shall be held to be moveable Property, and not of the Nature of heritable Property.

Shares to be moveable property.

Powers of the Commissioners,

III. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners, by themselves, their Deputies, Agents, Workmen, and Servants, and they are hereby authorised and empowered to open, form, causeway, and pave the said Street from *King Street* Westward to *Stockwell Street*, and from thence Westward to *Howard Street*, in the said City of *Glasgow*, and which Street shall commence in *King Street* at or near the present Fish Market of the said City, and shall enter *Stockwell Street* at or near the Property of *Andrew Mackie* and *William Nisbit*, and crossing *Stockwell Street*, shall run Westward in such a Direction as to join *Howard Street*, and shall be of the Breadth of Forty Feet; and it shall and may be lawful to and for the said Commissioners to purchase the Grounds and Buildings thereon, which shall be necessary for forming the said Street of the said Breadth, and also the Grounds and Buildings along both Sides of the said Street to an Extent not exceeding Sixty Feet from each Side thereof, so far as it shall extend to the Westward of *Stockwell Street*, and to the Extent of One hundred Feet on each Side thereof, so far as it shall be betwixt *King Street* and *Stockwell Street*, excepting that Part of the North Boundary thereof which shall be betwixt the New Wynd and Back Wynd, betwixt which Wynds it shall and may be lawful to and for the said Commissioners to purchase the Grounds and Buildings to the North of the said Street, not only to the Extent of One hundred Feet as aforesaid, but (if the Magistrates and Council of the said City shall require them to do so, in order that the Ground may be obtained for forming a Public Fish Market)

and Description of the Street.

Market) farther Northward to the South Boundary of the present Vegetable Market; and farther, excepting the Mutton Market situated on the West Side of *King Street* of the said City, and the Right of the Magistrates and Town Council and Corporation of Fleshers of the said City thereto; and also the Subjects belonging to the *Glasgow Gas Light Company*; which Market and Subjects or any Part thereof it shall not be lawful to the said Commissioners to purchase or interfere with without the Consent of the said Magistrates and Town Council and Corporation of Fleshers and Gas Light Company respectively.

IV. And be it further enacted, That the said recited Act of the First Year of the Reign of His present Majesty, in so far as the same authorises the Magistrates and Town Council of the said City to acquire any of the Property which the Commissioners under this Act are hereby authorised to acquire, or to open or form any of the Streets, or any Part of the Streets, the Opening or Formation of which is hereby committed to the said Commissioners, shall be, and the same is hereby repealed.

V. And be it further enacted, That the said Capital Sum or Stock, and the Property of and in the said Street, and the Grounds and Buildings on both Sides thereof, which shall be purchased by the said Commissioners, is and are hereby vested in the said Subscribers, and they shall severally and respectively be entitled thereto, according to the Share and Interest held by them respectively in the said Street; but from which Capital Sum or Stock there shall be deducted the Money laid out in obtaining and passing this Act, and in making the different Surveys and Plans of the same, and of the Lands and Grounds through which the said Street is intended to be carried as aforesaid, and all other incidental Costs, Charges, and Expences whatsoever touching and concerning the same in any Way, all of which shall be paid and defrayed by the said Commissioners.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners purchasing any Lands, Tenements, or Heritages under the Authority of this Act, to receive and take from all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Married Women, Tutors or Curators for Infants, Minors, or Furious or Fatuous Persons, and all other Persons whatever, and that it shall be lawful to and incumbent upon all and every such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Married Women, Tutors and Curators for Infants, Minors, or Furious or Fatuous Persons, and all other Persons whatever, selling any Lands, Tenements, or Heritages to the said Commissioners under the Authority of this Act for the Purposes thereof, to grant, subscribe, and deliver the Rights and Conveyances to such Lands, Tenements, and Heritages in the Words and Form following, or in Words and Form to the like Effect:

‘ I *A. B.* of _____ in Consideration of the Form of the
 ‘ Sum of _____ Sterling to me paid, Conveyance.
 ‘ [or other Considerations, as the Case may be,] by the Commissioners
 ‘ for

‘ for forming a new Street from *King Street* Westward to *Stockwell*
 ‘ *Street*, and from thence to *Howard Street*, in the City of *Glasgow*,
 ‘ do hereby grant, dispoⁿe, and convey to the said Commissioners,
 ‘ all [*describing the Subjects*] and all my Right, Title, and Interest to
 ‘ and in the same, and the whole Pertinents thereof, to be holden by the
 ‘ said Commissioners and their Successors for ever, by virtue and ac-
 ‘ cording to the true Intent and Meaning of an Act of Parliament
 ‘ made in the Sixth Year of the Reign of King *George* the Fourth,
 ‘ intituled *An Act* [*here insert the Title of this Act*]. In Witness
 ‘ whereof these Presents, written by
 ‘ are subscribed by me at
 ‘ this Day of
 ‘ in the Year of our Lord

Conveyance
to be re-
corded.

And such Conveyance being registered in the Register of Seisines kept for the Burgh of *Glasgow*, and which the Keepers thereof are hereby required and authorised to register, shall receive the same Effect, and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed and followed by Seisine, according to the Form of the Law of *Scotland*; any Law or Practice to the contrary notwithstanding.

Commission-
ers empow-
ered to treat
for the Pur-
chase of
Lands, &c.

VII. And be it further enacted, That the said Commissioners shall have full Power to take and use all such Lands, Houses, Tenements, and other Heritages, as shall or may be required for the said Street, and to the several Extents before mentioned, along each of the Sides thereof, and also to treat and agree for the Purchase of such Lands, Houses, Tenements, and other Heritages, with the several Persons named in the Schedule hereunto annexed, being Owners or Occupiers, or reputed Owners or Occupiers, or having an Estate or Interest in the Lands, Houses, Tenements, and other Heritages before mentioned, or with the Heirs or Disponees of any of the said Persons, or any other Person or Persons, Body or Bodies Politic or Corporate, who are and may be Proprietors of, or who have or may have an Interest in the said Lands, Houses, Tenements, or Heritages: Provided always, that nothing herein contained shall extend or be construed to authorise the said Commissioners to take and use any Lands, Houses, Tenements, or other Heritages, for the Purposes aforesaid, without the several Consents in Writing of the respective Owners and Occupiers thereof, in that Behalf previously had and obtained, save and except only the several Lands, Houses, Tenements, and other Heritages belonging to or occupied by the several Owners or Occupiers named in the said Schedule, and in respect only of their several and respective Estates and Interest of and in such Lands, Houses, Tenements, or other Heritages.

Provision as
to Proprie-
tors, &c.
being incor-
rectly de-
scribed.

VIII. And be it further enacted, That in case any of the Proprietors or Occupiers of any of the said Lands, Houses, Tenements, or other Heritages, shall through Misinformation be wrong named or described in the said Schedule, such Misnomer or wrong Description shall not afford any Ground or Pretence for the Persons interested, or any of them, to object to or interrupt the Execution of this Act, provided it shall be proved to the Satisfaction of any Two Justices
of

of the Peace for the County of *Lanark*, and be declared under their Hands, that such erroneous Description shall have arisen from Accident or Mistake, and was not wilful.

IX. Provided always, and be it further enacted, That in case the said Commissioners shall not purchase such Lands, Houses, Tenements, or other Heritages within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Commissioners to purchase any of the said Lands, Houses, Tenements, or other Heritages so remaining unpurchased, without Consent in Writing of the Owners thereof first had and obtained.

Limitation
of Power to
purchase.

X. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Furious or Fatuous Persons, Married Women, and to and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any of the said Lands, Houses, Tenements, or other Heritages, whether by Title held in Fee Simple, or under Entail, or otherwise, to contract and agree for, sell and convey to the said Commissioners, all or any such Lands, Houses, Tenements, or other Heritages, or any Part thereof, for the Purposes foresaid; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all Trustees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of and in pursuance of this Act.

Incapaci-
tated Per-
sons autho-
rised to sell.

XI. And be it further enacted, That in case any Owner, Proprietor, Occupier, Trustee or Trustees, Heir of Entail, or Tutor or Curator, Body Politic, Corporate, or Collegiate, or any other Person or Persons interested as aforesaid, after a written or printed Notice of Twenty-one Days given to them, if they reside within the County of *Lanark*, personally, or at their Dwelling Place, or if they reside without the said County, left with some Tenant or Tenants in Possession of such Lands, Houses, Tenements, and Heritages respectively, shall neglect or refuse to treat, or shall not agree for the Sale of such Lands, Houses, Tenements, or Heritages, or any Part or Parts thereof, or for their Interest therein, or by reason of Absence or other Circumstances shall be prevented from treating, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim, to the Satisfaction of the said Commissioners, then and in every such Case it shall and may be lawful to and for the said Commissioners to apply by Petition to the Sheriff Depute of the County of *Lanark*, or his Substitute at *Glasgow*, setting forth this Act; and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting for the Sale of the said Lands, Houses, Tenements, or Heritages, or have not produced or evinced a clear Title to the Premises they are in Possession of, or to the Interest they claim, and therefore praying him to fix and ascertain the just Amount and Value of such Lands, Houses, or Heritages respectively; and it shall and may be lawful

In case of
not treating.

to the said Sheriff Depute or Substitute, and he is hereby empowered and required, upon receiving such Petition, to order Notice thereof to be given by Advertisement in Three of the *Glasgow* Newspapers, and also particular Notice to be given to the Owners and Occupiers of the said Houses, Tenements, or Heritages, if they reside within the County of *Eanark*; personally, or by leaving at their Dwelling Houses, or if they reside without the said County, at the Dwelling House of One of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers or Objections, if they any have, within Ten Days after such Notice; after which Time is elapsed, it shall and may be lawful for the said Sheriff Depute or Substitute, and he is hereby empowered and required to issue his Precept or Precepts for summoning and impannelling a competent Number of substantial and disinterested Persons, in Number not less than Twenty, nor more than Thirty, which Persons so to be summoned and returned are hereby required to come and appear before the said Sheriff Depute or Substitute, at such Times and Places as in the said Precept or Precepts shall be directed and appointed; of which Time and Place for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in any Three of the *Glasgow* Newspapers at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned, the Sheriff Depute or Substitute shall appoint a Jury of Fifteen Persons, before whom the said Commissioners and the Parties interested may bring a Proof by habile Witnesses for estimating and ascertaining the just and real Value and Price to be paid by the said Commissioners for the said Lands, Houses, Tenements, or other Heritages, including such Damages as may be suffered by the Proprietors of Ground or their Tenants, by throwing down their Fences, and opening their Grounds, or otherwise; and the said Sheriff Depute or Substitute is hereby authorised to summon before him such Person or Persons as shall by either Party be thought necessary to be examined as Witnesses before the said Jury touching or concerning the Premises, and also to compel the Parties interested and all other Persons having in their Custody or Possession any Title Deeds or other Papers containing the Right of, or relative to the Premises, to exhibit and produce the same in Judgment before the said Jury, and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses on the Matters aforesaid; and the said Sheriff Depute or Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall examine, or allow to be examined upon Oath in their Presence, such Witnesses as shall be summoned for either Party; and upon the Depositions of the Witnesses or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Commissioners; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements, or other Heritages as aforesaid, and in making up their Verdict, the said Jury shall have right, and they are hereby empowered, to take under their Consideration all Circumstances, particularly any Benefit which has arisen or will arise to the Owners and Occupiers by the opening of the aforesaid Street; and after Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby

hereby required to adjudge Payment of the Value and Amount of the Loss, Price, or Damage thereby awarded to the Persons having a Right thereto; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final, and not removeable by Bills or Letters of Advocation or Suspension to, or subject to Reduction by any Court whatever, any Law or Usage to the contrary notwithstanding.

XII. And be it further enacted, That the said Sheriff Depute or Substitute shall have Power, and he is hereby authorised from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds, on any Person who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn, (or being Quakers, to affirm); on the said Jury or Juries, or being so sworn, shall not give his or their Verdict; and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn, (or being Quakers, to affirm), or who, being sworn, shall refuse to give his, her, or their Evidence; and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and shall or may from Time to Time levy such Fine or Fines by Pounding and Sale of the Offender's Goods, together with the reasonable Charges of such Pounding and Sale, returning the Overplus, if any, to the Owner; and also shall or may use such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodians of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the Purposes of this Act.

Sheriff may impose Fines for Non-attendance, &c.

XIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, to the lawful Owners and Proprietors of the said Lands, Houses, Tenements, or other Heritages, or upon judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the Sheriff for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested, or not; or in case they shall not be able to evince their Title to the Premises to the Satisfaction of the Sheriff Depute or Substitute, or in case the Subjects are encumbered or entailed, so that the Price of the same cannot be legally paid to the Parties interested, then upon Payment and Consignation thereof, with the Approbation and Warrant of the said Sheriff Depute or Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or *British* Linen Company, for the Use of the Parties interested, there to remain till it shall be issued in Manner by this Act directed; and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence adduced of the said Payment or Consignation, or, if the Party or Parties interested have not made

On Payment of Price awarded, or Tender and Consignation, Property to be vested in Commissioners.

such

such Appearance, and reside within the County of *Lanark*, then upon such Notice being made to them personally, or at their Dwelling Houses, but if they reside without the said County, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises, by a Notary Public and Witnesses, and the Evidence being adduced of the said Payment or Consignation; then and in any of these Cases, it shall be lawful for the said Sheriff Depute or Substitute, to decern and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the Commissioners, as fully and effectually as if the respective Proprietors had disposed and conveyed or had resigned the same to and in favour of the said Commissioners, and it shall then, and not before or otherwise, be lawful to and for the said Commissioners to enter upon the Premises, and to convert and dispose of the same for the Purposes of this Act.

Expences of Valuation, how to be borne.

XIV. Provided always, and be it further enacted, That in the Event that such Jury shall award a greater Compensation than the said Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be defrayed and borne by the said Commissioners, and the said Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners; and if the said Jury shall award the Sum offered by the said Commissioners, or a less Sum, the said Expence shall be paid by the said Commissioners and the said Owner or Owners, Occupier or Occupiers, in equal Moieties: Provided, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners.

Application of Compensation Money when exceeding 200*l.*

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled, to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorise to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money

Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so hereby directed to be purchased; in case such Purchase or Settlement were made.

XVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Land, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors and Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any one of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in Manner hereinbefore directed, so far as the Case may be applicable.

If under
200%. and
above 20%.

XVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be or be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If under 20%.

XVIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by

In case of
not making
out Titles,
or if the

Person entitled cannot be found.

virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of Scotland, or Royal Bank of Scotland, or British Linen Company, in Manner before directed, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, without any Description of them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be, and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of Scotland, or Royal Bank of Scotland, or British Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid:

In case of questionable Title, Possessor to be deemed to have a Title till the contrary be shown.

XIX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Bank in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Expences of Purchase to be allowed by the Court.

XX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in

the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of each Purchase, or so much thereof as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners.

XXI. Provided also, and be it enacted, That previous Notice shall be given to the Tenants and Occupiers of Houses, Tenements, or other Heritages as are to be converted and disposed of as aforesaid, Forty Days at least before the Term of *Whitsunday* with regard to Houses, and Forty Days at least before the Term of *Candlemas* with regard to Lands and Garden Grounds, at which the said Tenants or Occupiers are to be removed, by warning them, as is usual and competent or required by the Law of *Scotland*.

Notice to be given to Occupiers of Property required for the Purposes of this Act.

XXII. And be it enacted, That it shall and may be lawful to and in the Power of the said Commissioners or their Committee of Management for the Time being, afternamed, or who shall be chosen as aftermentioned, again to sell and dispose of the Grounds and Buildings which shall be purchased by them as aforesaid (under the Burden of opening the said Street); and it shall also be lawful for them to sell and dispose of the Buildings, and of the old Materials of the Buildings which they shall purchase as aforesaid and think fit to demolish and remove, and that at the best Prices, that can be got for the same, and in such Parcels and under such Conditions and Restrictions as the said Commissioners or their Committee of Management for the Time shall think proper, and to convey and transfer the same to the Purchaser or Purchasers thereof.

Commissioners empowered to sell Property.

XXIII. And be it further enacted, That it shall and may be lawful to the said Commissioners selling any Part of the said Lands, Tenements, or other Heritages or Subjects, to subscribe, grant, and deliver, and it shall be lawful to and incumbent upon the Purchaser or Purchasers thereof to take, accept, and receive the Rights and Conveyances to such Lands, Tenements, or other Heritages or Subjects, in the Words and Form following, or Words and Form to the like Effect:

WE, the Subscribers, Three and a Quorum of the Committee of Management of the Commissioners for forming a new Street from *King Street* to *Stockwell Street*, and from thence to *Howard Street*, in the City of *Glasgow*, by virtue of an Act of Parliament made in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act* [here insert the Title of this Act], in Consideration of the Sum of _____ Sterling paid to the said Commissioners [or other Consideration, as the Case may be,] by *A. B.* of _____ do hereby grant, dispone, and convey to the said *A. B.* and his Heirs and Assigns, [or others, as the Case may be,] all [describing the Subjects] and all the said Commissioners Right, Title, and Interest to and in the same, and the whole Pertinents thereof, to be holden by the said *A. B.* and his foresaid Burgage for ever. In Witness whereof we have hereunto set our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

Form of Conveyance to be granted.

To insert

And

And such Conveyance being registered in the Register of Seisines kept for the Burgh of *Glasgow*, and which the Keepers thereof are hereby required and authorised to register, shall receive the same Effect, and be as valid and effectual to all Intents and Purposes, as if a formal Disposition had been executed and followed by Seisine, according to the Form of the Law of *Scotland*, any Law or Practice to the contrary notwithstanding.

Subscribers
may transfer
their Shares.

XXIV. And be it further enacted, That it shall be lawful to the said Commissioners and Subscribers, and their Executors and Successors or Assignees, to assign and transfer his, her, or their Interest, not being less than One Share in the said Street and Capital Stock, to any Person or Persons; and any Person or Persons to whom such Transfer shall be made to the Amount of Two or more Shares, shall, in respect of such Transfer, be and become a Commissioner under this Act; and such Transfer may be in the Words following, or in Words to the like Effect:

‘ I *A. B.* of _____ in Consideration of
 ‘ _____ paid to me by *C. D.* of _____ do
 ‘ hereby sell, assign, and transfer to the said *C. D.* the Sum of _____
 ‘ _____ being _____ Shares of the Capital Stock of the Com-
 ‘ missioners for making a new Street in the City of *Glasgow*, to hold
 ‘ to the said *C. D.* and _____ Executors, Administra-
 ‘ tors, and Assigns, subject to the same Rules, Orders, and Restric-
 ‘ tions, and on the same Conditions that I held the same before Exe-
 ‘ cution hereof. Witness my Hand this _____ Day of
 ‘ _____ in the Year of our Lord _____

And such Conveyance, in order to its Completion, shall be entered by the Clerk to the said Commissioners in a Book or Books to be kept for that Purpose, who shall indorse on such Conveyance a Certificate of the Entry thereof, and for which Entry and Indorsement no more than Two Shillings and Sixpence shall be charged; and the said Clerk is required to make such Entry and Indorsement within Forty-eight Hours of the Presentment to him of such Conveyance, under the Penalty of Five Pounds to be forfeited by him to the Holder of such Conveyance; and until such Entry of such Conveyance shall be made as aforesaid, such Purchasers shall have no Right to the Shares thereby conveyed.

Commissioners
may borrow.

XXV. And be it further enacted, That the said Commissioners shall be, and they are hereby authorised and empowered to borrow and take up at lawful Interest, for the Purposes of this Act, any Sum or Sums of Money not exceeding Twenty thousand Pounds; and the Securities to be granted by the said Commissioners for the Sum or Sums of Money to be borrowed by them as aforesaid, may be in the following Words, or Words to the like Effect:

Form of
Security.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of King
 ‘ *George* the Fourth, intituled [*here insert the Title of this Act*],
 ‘ We, the Commissioners for forming [*insert the Name of the Street*],
 ‘ by and under the said Act, and by Authority of a General Meeting
 ‘ held upon _____ in Consideration of the Sum
 ‘ of _____

as if such Principal had been present and voted in Person; and every Question, Matter, and Thing which shall be discussed or considered in any General Meeting, shall be decided by the Majority of Votes of those present, or duly represented by Proxy as aforesaid; and the Appointment of such Proxies shall be made according to the following Form :

‘ I *A. B.*, One of the Commissioners for making a new Street in
 ‘ *Glasgow*, called [*insert the Name*] do hereby nominate, constitute,
 ‘ and appoint *C. D.* to be my Proxy, in my Name and in my Absence
 ‘ to vote or give my Assent or Dissent to any Business, Matter, or
 ‘ Thing relating to the said Street that shall be mentioned or proposed
 ‘ at any Assembly of the said Commissioners, in such Manner as
 ‘ he the said *C. D.* shall think proper, according to his Opinion and
 ‘ Judgment. In Witness whereof I have hereunto set my Hand this
 ‘ Day of _____
 ‘ in the Year of our Lord _____

General
 Meetings
 may be ad-
 journed.

XXVIII. And be it further enacted, That the said General Meetings, held for the Purposes of this Act, may be adjourned to the same or any other Place in the said City by the Majority of Votes at such Meeting.

Parties to
 pay their
 own Ex-
 pences.

XXIX. And be it further enacted, That all General Meetings shall be held in the said City of *Glasgow*, and the Parties attending them shall pay their own Expences.

Special
 Meetings
 may be
 called.

XXX. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Meeting of the said Commissioners is necessary, such Meeting shall be convened by the Clerk of the said Commissioners, upon receiving a written Requisition to such Effect, signed by Three Commissioners, holding collectively Twenty-four or more Shares of Capital Stock, or by either of the Preses or Vice-Preses, or any Two of the Directors after mentioned, specifying the Object and Purpose of calling such Meeting; and such Special Meetings shall be convened, by giving Fourteen Days Notice thereof in any Two or more of the *Glasgow* Newspapers, or in such other Manner as may be appointed at a General Meeting of the said Commissioners, such Notice specifying the Reason and Intention of such Special Meeting, and the Time and Place where it is to be holden; and the said Commissioners are authorised to meet pursuant to such Notice; and all such Acts of the said Commissioners met at such Special Meetings, in Reference to the Matters specified in such Notice only, shall be as valid and effectual as if the same had been done at a stated General Meeting.

Committee
 of Manage-
 ment ap-
 pointed.

XXXI. And be it further enacted, That *James Buchanan*, *James Oswald*, *James Dennistown*, *Dugald Macfie*, *Michael Rowand*, *James Lumsden*, *William Mirrilees*, *Philip Grierson*, *Robert Reid*, and *Alexander Johnston*, shall be a Committee for the Management of the Concerns of the said Commissioners, of whom the said *James Buchanan* shall be Preses, and the said *James Oswald* Vice-Preses,

Preses, until the Half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and twenty six, when a Committee of Management, consisting of the like Number of Commissioners, shall be chosen for the Year succeeding the said General Meeting; and the Persons composing the Committee of Management for the previous Year shall be eligible to the same Offices; and in like Manner a Committee of Management shall be chosen annually at the said General Meeting to be held in the Month of *February* as aforesaid, for the succeeding Year: Provided always, that the said Managers shall be chosen from the Body of Commissioners; provided likewise, that in the Event of the Non-acceptance, Death, Resignation, or Bankruptcy of any Member of the Committee of Management, his Place may be filled up by the remaining Members of the Committee; and the Manager so to be elected shall have the like Power and Authority as if he had been chosen by a General Meeting of the said Commissioners.

XXXII. And be it further enacted, That the First Meeting of the Committee of Management shall be held on the First *Tuesday* of the Month immediately succeeding the passing of this Act, and stated Meetings shall be held by them on the First *Tuesday* of every Month thereafter; and it shall be lawful for the Committee of Management to adjourn from Time to Time as they shall think proper: Provided always, that Special Meetings of the Committee of Management may be convened by the Clerk of the Commissioners upon all necessary Occasions, by a written or printed Circular, specifying the Time and Place of such Meeting, and addressed and sent to each Member of the said Committee Twenty-four Hours previous to the said Meeting being held.

Meetings of Committee of Management.

XXXIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit, or have any Share or Interest either directly or indirectly in the furnishing, supplying, or selling any Article, Matter, or Thing to be used for the Purposes of this Act.

Commissioners disqualified if interested.

XXXIV. And be it further enacted, That at all stated and Special Meetings of the Committee of Management the Preses shall be Chairman; and in his Absence the Member of the Committee standing highest in the List in the Minutes of their Appointment; and any Three of the said Committee of Management shall be a Quorum, and shall constitute a Meeting.

Preses to be Chairman.

Three to be a Quorum.

XXXV. And be it further enacted, That it shall and may be lawful for the said Committee of Management, at any such Meeting of the Committee as aforesaid, and they are hereby authorised and required from Time to Time to nominate and appoint, by Writing under their Hands, a Treasurer, and also a Clerk to the said Commissioners, and such Surveyors and other Officers as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution; and to fix and appoint the Salaries of such Treasurers, Clerks, Surveyors, and other Officers; the

Committee of Management authorised to appoint Officers.

the said Committee taking good and sufficient Security from the Treasurer and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Surveyors, or other Officers, and appoint others in their stead, as there shall be Occasion; and all such Treasurers, Clerks, Surveyors, and other Officers of the said Commissioners, who shall at any Time quit or be dismissed from the Service of the said Commissioners, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Clerks, Surveyors, or other Officers, Executors or Administrators respectively, in anywise relating to the said Street; and the said Committee of Management shall have Power and Authority, and they are hereby required to balance or cause to be balanced the Books of the said Commissioners, on the First Days of the Months of *January* and *July* in every Year, the First Balance to be made on the First Day of *January* which shall be in the Year One thousand eight hundred and twenty-six, or at such other Period of each as any General Annual Meeting may from Time to Time appoint; and the same being so balanced shall be examined, docqueted, and signed by a Quorum of the said Committee of Management within Three Weeks thereafter, and shall be produced at the General Meetings of the said Commissioners, to be held upon the First *Tuesdays* in the Month of *February* and *August* in every Year, so that any of the Commissioners attending the said Meeting may have an opportunity of inspecting the same; and an Abstract of the said Balance, showing the Situation of the Affairs of the said Commissioners, shall be signed by the said Committee of Management or a Quorum of them; and the said Committee shall also, on the said First Days of *January* and *July* at least immediately previous to each Balance in every Year, call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed, up to that Time, for and on account of the said Commissioners, by the Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Commissioners in or about the said intended Undertaking: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than Twice a Year, if they shall deem it proper so to do.

Same Person
not to be
Clerk and
Treasurer.

XXXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or
the

the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

XXXVII. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioners, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Seven Days next afterwards, make out and deliver to the said Commissioners, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be owing from him or her to the said Commissioners, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner and within the Time aforesaid, or shall neglect or refuse on such Requisition as aforesaid to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Commissioners, then and in every such Case, Complaint being made by the said Commissioners where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Persons so neglecting or refusing shall live or reside, such Justice is hereby authorised and required, by Warrant under his Hand and Seal, to cause such Officer or

Officers to
account.

[Local.]

31 K

Person

Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said Commissioners, the said Justice may, and he is hereby authorised, upon Non-payment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and if the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Commissioners, then and in any of the Cases aforesaid the said Justice is hereby authorised and required by Warrant under his Hand and Seal to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he or she shall reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers, and Receipts relating thereto, and shall have paid all Monies that shall appear to be in the Hands of or owing from him or her to the said Commissioners, and the reasonable Charges of such Distress and Sale (if any be) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Monies and Charges, and pay the Composition Money to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Commissioners are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given to the said Commissioners Satisfaction therefor; provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Committee
of Accounts
may be ap-
pointed.

XXXVIII. Provided also, and be it enacted, That it shall and may be lawful for the said Commissioners at any of their General Assemblies to be holden pursuant to this Act, to appoint Three or more of their Number, not being of the Committee of Management, as a Committee of Accounts, to examine all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Commissioners; and to make a Report thereupon to the next General Assembly of the said Commissioners.

XXXIX. And

XXXIX. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time, at any of their Meetings as aforesaid, to make such Call or Calls of Money from the several Subscribers to the said Street, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, until the Sums subscribed are paid, and so that such Calls be made under the Direction of the Committee of Management, and so that no such Calls be made but at the Distance of One Calendar Month at least from each other, and so that Ten Days Notice at least shall be given of every such Call, by Advertisement in some Newspaper usually published in *Glasgow*; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Commissioners, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct; and the said Committee of Management shall have full Power and Authority at every such Meeting as aforesaid, on Behalf of the said Commissioners, to contract for and purchase all such Lands, Tenements, or Heritages, as the said Commissioners are hereby authorised to purchase, and all such Materials and other Things as shall or may be wanted for the said Undertaking, and the Works hereby authorised to be made; and to treat and agree with any Person whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given; and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about, or for the carrying on of the said Undertaking, or any Part thereof, as shall be thought expedient; and to enter into and make all such Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think fit; and to grant all necessary Conveyances in favour of such Person or Persons who may purchase the Grounds or Buildings on the Sides of the said Street, or any other Subjects belonging to the said Commissioners; and generally to direct and manage all and singular the Affairs and Business of the said Commissioners; and to do, execute, and perform all Acts, Matters, and Things which the said Commissioners are by this Act authorised to do, save and except such only as are hereby expressly directed to be done by the Commissioners at large at any General Meeting or Meetings to be held as herein-mentioned.

Committee of Management may make Calls.

XL. And be it further enacted, That the Committee of Management shall enter or cause to be entered, in Books to be provided for that Purpose at the Expence of the said Commissioners, a full, true, and particular Account of all Money disbursed and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Commissioners, and also a full and true Account or proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on Behalf of the said Commissioners, and of all and singular their respective Orders, Transactions, and

Proceedings of Committee to be entered.

Proceedings

Proceedings whatsoever in and about the Affairs and Business of the said Commissioners; but no Money shall be issued or paid by the Treasurer to the said Commissioners for or on account of the said Commissioners, otherwise than in such Manner as shall be directed by the Committee of Management; and every such Book, and all other Books, Papers, and Writings belonging to the said Commissioners, shall at all seasonable Times be open to the Inspection of the said Commissioners, who may take Copies thereof or Extracts therefrom without Fee or Reward.

How the
Commission-
ers may sue
and be sued.

XLI. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Clerks, or any One of the said Commissioners for the Time being; and no Action to be brought by or against them in the Name of their Clerk, or of such Commissioners, shall cease by the Removal of such Clerk, or the Death of such Clerk or Commissioner, but that the Clerk or Commissioner for the Time being shall always be deemed the Pursuer or Defender for the Time being in such Action or Process: Provided always, that such Clerk or Commissioner shall not thereby be made personally liable for the Expences of Process or Proceedings so incurred, which shall be paid by the said Commissioners.

Proprietors
to pay up
their Shares.

XLII. And be it further enacted, That every Proprietor of any Share or Shares in the said Street and Capital Stock shall from Time to Time pay his, her, or their Proportion of the Money so to be called for as hereinbefore is mentioned, into the Hands of the Treasurer to the said Commissioners, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such a Call, and of which such Notice shall be given as hereinbefore is directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court in *Scotland*; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not have been sued for by the said Commissioners as aforesaid, or if sued for, shall not have been recovered by them, then and in that Case the Person or Persons so neglecting or refusing shall, in the Option of the said Committee of Management, absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Capital Stock; and all Shares that shall or may be so forfeited shall be vested in the said Commissioners in Trust for, and for the Benefit of all the rest of the said Commissioners, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management, be sold by them by Public Auction for the most Money that can be got for the same, and the Produce thereof shall be added to the said Capital Stock, and applied towards the Purposes of this Act; but without Prejudice to the said Committee suing for
Payment

Payment of such Shares, and recovering the same as aforesaid, if they think fit; and in the Event that any Person or Persons paying any such First Call as aforesaid, shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be thereafter called as aforesaid, and for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not be sued for by the said Committee of Management, or, if sued for, shall not be recovered by them, then and in such Case such Share or Shares may be sold by the said Committee of Management by Public Auction, for the highest and best Price or Prices that can be got for same, every such Sale being advertised at least once a Week for Three Weeks successively in some Two or more of the Newspapers published in *Glasgow*; the said Commissioners or Committee of Management rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and for which Account a Sum shall be paid to the Clerk of the said Commissioners at the Rate of Sixpence for every Seventy-two Words thereof, by the Person or Persons demanding the same; and the said Committee of Management paying to every such Person or Persons any Overplus of such Prices or Price, after deducting all Charges and such farther proportionable Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Commissioners.

XLIII. And be it further enacted, That in Actions brought by the said Committee of Management against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Commissioners, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Committee of Management to declare and allege that the Defender or Defenders, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Commissioners in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defender or Defenders, (as the Case may happen to be,) whereby an Action hath accrued to the said Committee of Management by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defender or Defenders, at the Time of making such Call or Calls, had subscribed for, or otherwise was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in Fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or other Matters whatsoever; and the said Committee of Management shall thereupon be entitled to recover the Call or Calls which shall appear due, unless it shall appear that any such Call exceeded the Sum of *Ten per Centum* of the Subscription, or was made without the Orders of the Committee, or was made within the Distance of One Calendar Month without Notice given as aforesaid.

Directions
for Proceed-
ings in Ac-
tions for
Calls.

Persons selling after a Call to be liable for such Call.

XLIV. And be it further enacted, That after such a Call of Money shall have been made by such Committee as aforesaid, every Person and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Capital Stock, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act, unless such Person or Persons so selling or transferring shall at the Time of such Sale or Transfer have paid and discharged to the Treasurer of the said Commissioners the whole and entire Sum of Money which shall have been called for upon each Share so sold and transferred.

Names of Proprietors to be entered, and Certificates of Entry delivered.

XLV. And be it further enacted, That the said Committee of Management shall, and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Street or Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk, and after such Entry to cause the same to be signed by their Chairman; and shall also cause a Certificate, so signed by the Chairman and Clerk, to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

In Recovery of Calls, who to be considered Proprietors.

XLVI. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons, whose Names shall at any Time hereafter stand in the said Register Book, or List of Proprietors of the said Capital Stock, either as a Proprietor or Proprietors of One or more Share or Shares in the said Capital Stock, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book of the said Commissioners to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due, and to grow due on any such Shares, shall be made to such Persons as by the said Book of the said Commissioners shall so appear to be Proprietors thereof; and no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit

Suit brought or to be brought by the said Commissioners to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Commissioners, or to make the said Commissioners liable to the Payment of Dividends to any other Person than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

XLVII. And be it further enacted, That no Body Politic, Corporate, or Collegiate, or Individual, by reason of his or their being a Subscriber or Subscribers to the said Street, to be opened and formed as aforesaid, or to the Purchase of the Ground and Buildings on both Sides thereof, nor Individual, by reason of his being a Commissioner for the Purposes aforesaid, shall be liable for any farther or larger Sum of Money, to a greater Amount, in respect of or in relation to the Expence to be incurred in making the said Street and carrying this Act into Execution, than the Amount of the Sum subscribed or to be subscribed by such Body or Bodies or Individuals respectively: Provided always, that the Property to be acquired by the said Commissioners for the Purposes aforesaid, while vested in them, or any other or future Subscribers or Shareholders as before mentioned, or any Person or Persons for their Behoof, shall be liable to all the just Debts and Expences to be contracted or incurred by the said Commissioners in making the said Street.

Proprietors not to be liable beyond the Extent of their respective Shares.

XLVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, and Powers which now belong to or are enjoyed by the Magistrates and Council of *Glasgow*, or the Statute Labour Trustees of the said City, in virtue of former Acts of Parliament, Royal Charters, or immemorial Usages, except in so far as they are expressly altered by this Act for the Purposes thereof alone.

Saving the Rights of the Magistrates of *Glasgow* and Statute Labour Trustees.

XLIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid in pursuance of the Directions of this Act as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners or any Person or Persons acting in or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Commissioners or their Treasurer, in which Demand the Order of the Sheriff or Justice making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justice under his Hand and Seal or their Hands and Seals, on Ap-
plication

Compensation for Damages, &c. may be recovered from Treasurer.

plication made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Lands, Houses, Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of such Warrant as aforesaid.

For the
Recovery of
Penalties.

L. And be it further enacted, That all the Penalties, Forfeitures, and Fines by this Act imposed, shall, upon Proof of the same being incurred, before the Sheriff Depute or Substitute of the said County of *Lanark*, or before the Magistrates of *Glasgow*, either by Confession of Party, or by the Oath of any credible Witness or other competent Evidence, be levied, together with the Expence attending the Information and Conviction by Poinding and Sale of the Goods and Effects of the foresaid Offenders, by Warrant under the Hand of such Sheriff Depute or Substitute, or Magistrates, which Warrant they are respectively hereby authorised and empowered to grant; and the Surplus, after deducting such Penalty, Forfeiture, and Fine, the Charges of such Poinding and Sale, shall be returned to the Owner; and in case such Penalties, Forfeiture, and Expence shall not be forthwith paid upon Conviction, it shall be lawful for the Sheriff Depute or Substitute, or Magistrates, granting the Warrant, to order the Offender to be detained and kept in safe Custody until Return can conveniently be made to such Warrant or Poinding, unless the Offender shall give sufficient Security for his or her Appearance before such Sheriff Depute or Substitute, or Magistrate, on such Day as shall be appointed for Return of such Warrant of Poinding, which Security the said Sheriff Depute or Substitute, or Magistrate, may have by Bond or Caution, or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Goods or Effects can be found, or in case it shall appear to the Satisfaction of such Sheriff Depute or Substitute, or Magistrate, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels within the Jurisdiction of such Sheriff Depute or Substitute, or Magistrate, whereon to levy such Penalties, Forfeitures, and Fines, and Costs and Charges, such Sheriff Depute or Substitute, or Magistrate, shall not be required to issue such Warrant; and thereupon it shall be lawful for the said Sheriff Depute or Substitute, or Magistrate, by Warrant under his or their Hands, to cause the Offender to be committed to Gaol, there to remain any Period not exceeding Three Months, unless such Expences shall be sooner paid; and the Penalties, Forfeitures, or Fines so to be received shall be applied to the Purposes of this Act.

LI. And

LI. And be it further enacted, That if any Person or Persons shall Appeal. think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act for which no particular Relief has been already provided, it shall and may be lawful to and for such Person or Persons within Six Calendar Months after the Matter complained of shall be done, but not afterwards, to appeal to the Sheriff Depute or Sheriff Substitute, or to the Justices of the Peace of the said County of Lanark, assembled in their General Quarter Sessions; the Appellant giving the Defender or Defenders Fifteen Days Notice of such Appeal; and the said Sheriff and Justices are hereby authorised and required to call the Parties before them, and determine the Matters in Dispute, and their Judgments therein shall be final and conclusive, without being subject to Review by Advocation, Suspension, Reduction, or otherwise howsoever.

LII. And be it further enacted, That this Act shall be deemed and Public Act. 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.

[Local.]

SI M

SCHEDULE

SCHEDULE referred to in the Act.

Heirs and Successors of James Paton, deceased, viz.	Mrs. Catherine Leckie, or Paton	Glasgow.	
	James Paton, Helen Paton or Easton, Janet Paton or Arbuckle, Ann Paton, Robert Paton	} Glasgow.	
	Dugald Kennedy	- Glasgow.	
	J. W. Purcell	- Edinburgh.	
	Mrs. Park	- Glasgow.	
	Peter Buchanan	- Callender.	
	Thomas Rathbone, Grizil Yoel or Rathbone	} Near Edinburgh.	
	Andrew Mackie	- Kilmarnock.	
	William Nisbet	- Glasgow.	
	James Buchanan	- Edinburgh.	
Heirs and Successors of John Ure, deceased, viz. }	Mrs. Margaret M ^c Arthur or Ure, John Ure, Margaret Ure, George Ure, Jane Ure, Robert Ure	} Glasgow.	
	John Corbett	- Glasgow.	
Heirs and Successors of Cornelius Todd, deceased }	James Todd and James Dennison	Glasgow.	
	James Jackson	- Glasgow.	
	William Crawford	- Glasgow.	
	Mrs. Jeffray	- Glasgow.	
Heirs and Successors of David Jeffray, deceased }	Janet Jeffray, Elizabeth Jeffray, Jane Jeffray	} Glasgow.	
	Mrs. Joanna Kennedy, or Mathie Walter Kennedy	} Glasgow. Demerara.	
Heirs and Successors of Wm. Kennedy, deceased }	Mrs. Margaret Ure	- Glasgow.	
	George Ure	- Glasgow.	
Heirs and Successors of Miss M ^c Ewan, deceased }	Mrs. Ure or M ^c Keand	- Glasgow.	
	James Craig	- Glasgow.	
	Mrs. Tick	- London.	
	Mrs. Janet M ^c Innes	- Glasgow.	
	Allan Love	- Fintray.	
	James Lawson	- Anderston, Glasgow.	
	Christian Colquhoun	- Glasgow.	
	Edward Douglas	- Partick, Glasgow.	
	Heirs and Successors of James Tarbet, deceased }	James Tarbet, Private in the Guards	} London.
		John Tarbet	- Glasgow.
Mary Tarbet or Sutherland		- Glasgow.	
Mrs. Margaret Clark or Scotland		King Street, Glasgow.	
Mrs. Janet Edmond		- Glasgow.	
Elizabeth Campbell		- } Glasgow.	
Ann Campbell		- }	
William Drummond		- Glasgow.	
James Rankine		- Glasgow.	
Mrs. Mary Cunninghame, otherwise Macfarlane		} Glasgow.	
George Macfarlane		- Glasgow.	
Mary M ^c Farlane or Parker		- Glasgow.	
Thomas Taylor		- Glasgow.	
Thomas Pettigrew		- Glasgow.	
Mrs. Janet Barber or M ^c Kellar		- Glasgow.	

SCHEDULE referred to in the Act — *continued.*

Trustees for Mrs. M ^c Kellar, &c.	Robert M ^c Kellar	Glasgow.
	Thomas Peter	Edinburgh.
	William Clark, of Kerse	Rothsay.
	Thomas Graham	Edinburgh.
Heirs and Successors of William Scott, deceased	John Young	Port Glasgow.
	Elizabeth Scott or Wright, Margaret Scott or Alston, James Scott	All in Glasgow.
	John Scott	Paisley.
	Robert Scott, Surgeon in a Royal Yacht.	
	John Russell	West Indies.
Heirs of Deacon James Davidson, deceased	Janet Russell	Glasgow.
	James Burns	Glasgow.
	Agnes Miller or Robertson	Glasgow.
	James Miller	Hutchinsonton of Glasgow.
	Christian Miller or Marshall	Kirkintullock.
	Walter Miller	Anderston Walk, Glasgow.
	Janet Miller or Paul	Glasgow.
Heirs and Successors of William Young, deceased	Mrs. Helen Hall	Glasgow.
	Archibald Turner	Glasgow.
	Alexander Wood	Glasgow.
	George Young, William Young, Agnes Young, Ann Young or Crawford, Catherine Young, Elizabeth Young, Mrs. Elizabeth Falconer or Young	All in Glasgow.
	Robert Walker	Glasgow.
	Robert Balfour Niven, Robert Muirhead, Daniel M ^c Kenzie, Andrew Sim	Glasgow.
	James Norval	Glasgow.
	William Thomson	Glasgow, Hutchinsonton.
	Allan M ^c Corkle and Daniel M ^c Corkle	Pollockshaws.
	William Buchanan	Painter, Glasgow.
	John Spencer and Isobel Spencer	Glasgow.
	William Cumming	Glasgow.
	Matilda Dickson	Bedfordshire.
	Joan Dickson and Jean Dickson	Glasgow.
	Mrs. Mary Lang, Ann Lang, and John Lang	Glasgow.
	David Kerr	Glasgow.
	James Douglas	Glasgow.
	Mrs. Barbara Mitchell or Willoughby, and George Willoughby	Glasgow.
	William Cann Smith	Glasgow.
	Mrs. Agnes M ^c Kinnon	Glasgow.
	John Douglas	Glasgow.
	James Tassie	Glasgow.
	Andrew Stewart	Near Glasgow.
	James Robertson	Glasgow.
	Alexander Barlas	Glasgow.
	Catherine Menzies or Robertson	Glasgow.
	James Galbraith	Glasgow.
John Atkins	Hereford.	
Eason Dick or Atkins	Hereford.	
William Watson	Glasgow.	

SCHEDULE referred to in the Act — *continued.*

Heirs and Successors of James Galbraith, deceased	Mrs. Mary Thomson	Glasgow.
	Margaret Thomson or M'Donald	Glasgow.
	Mary Thomson or M'Corkindale	London.
	James Galbraith	Glasgow.
	William Galbraith	America.
	Mary Galbraith	Glasgow.
	Stewart Mitchell	Glasgow.
	John Blew	Glasgow.
	Hugh M'Innes	Glasgow.
	Michael Cannon	Edinburgh.
	Cornelius Giffin	Mearns, near Glasgow.
	Incorporation of the City of Glasgow	Glasgow.
	Mrs. Ann Campbell or Lockhart	Glasgow.
	Jane Campbell & Lillius Campbell	Edinburgh.
	Charlotte M. Campbell or Reddie	Glasgow.
Mrs. Janet Anderson	Near Glasgow.	
Miss Margaret Lang	Glasgow.	
Heirs and Successors of William Aitken	John Aitken and George Aitken	Glasgow.
Heirs and Successors of Alexander Campbell, deceased	Mrs. Catherine Campbell	Glasgow.
	Mrs. Ann Campbell, or	Glasgow.
Heirs and Successors of the deceased John Robertson	John Barclay	York Street, Glasgow.
	James Oswald	Glasgow.
	John M. Robertson, Mary Robertson, Elizabeth Robertson, Joanna Robertson, Janet Robertson, Mrs. Spence Munro	All in Glasgow.
	Robert Robertson, senior	Govan.
	Robert Robertson, junior	Glasgow.
	William Robertson	Glasgow.
	Robert Brown	Glasgow.
	Mrs. Ann Stewart or Watson	Glasgow.
	Agnes Watson	Glasgow.
	Governors and Directors of Watson's Hospital	Edinburgh.
	William Lochore	Glasgow.
	John Pearce	Glasgow.
	Michael Rowand	Glasgow.
	James Scott	Glasgow.
	Robert Reed	Glasgow.
Trustees of Statute Labour	Glasgow.	
William Frilton	Glasgow.	
William Bell	Glasgow.	

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1825.