



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxiv.

An Act for erecting, establishing, and maintaining a new Market in the City of *Aberdeen*, and for providing suitable Approaches thereto.

[1st July 1839.]

WHEREAS the Population of the City of *Aberdeen*, and of the Suburbs thereof, has been greatly increasing for several Years past, and the Establishment of an additional Market in the said City, for the Sale of all Kinds of Articles of Provision, Commodities, Goods, Wares, and Merchandize, and the Erection of a convenient Market House or Market Houses, with suitable Shops and other Buildings, and proper Avenues and Approaches, and with Power to raise and levy reasonable Tolls, Stallages, and Duties on such Market, and under proper Rules and Regulations for the due Government and Management thereof, will be advantageous to the Inhabitants of the said City of *Aberdeen*, and the Suburbs thereof: And whereas the Purchase of the Lands, Houses, and Buildings for the Establishment of the said proposed Market, and the Erection of the Market House or Market Houses, Shops, Stalls, and other Buildings for the Accommodation of Persons resorting to the said Market, and for forming the said Avenues and Approaches, will be attended with very considerable Expence: And whereas the Persons herein-after named are willing and desirous to carry such beneficial Purposes into execution, but the same cannot be effected without the Authority of

[Local.] 18 M Parliament:

Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 Hadden of Persley, Convener Topp, Robert Catto Merchant, Clements Lumsden Advocate, Henry Paterson Banker, David Blaikie of Kinmundy, Alexander Hadden Manufacturer, Leslie Cruickshank Merchant, Thomas Best Merchant, Alexander Taylor Merchant, Alexander Smith of Glenmillan, James Hadden junior, Manufacturer, Peter Williamson Druggist, Robert Shand Advocate, John Maitland Merchant, David Souter Druggist, Robert Johnston Merchant, Alexander Chivers Banker, Alexander Jopp Advocate, Alexander Simpson Merchant, William Clyne Leather Merchant, Newell Burnett Advocate, George Lyall Merchant, Arthur Thomson Banker, Gavin Hadden junior, Manufacturer, William Fraser, James Murray Advocate, James Kilgour of Bethelnie, George Collie Merchant, David Chalmers of Westburn, Thomas M'Combie of Richmond Hill, David Gill Watchmaker, John Whyte Merchant, William Adam Advocate, and Alexander Anderson Advocate*, and all such other Persons or Corporations as shall from Time to Time become Subscribers to the said Undertaking, and be duly admitted Proprietors as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for the Purposes of this Act, and shall be and are hereby declared to be One Body Politic or Corporate by the Name of "The Aberdeen Market Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase, hold, and sell, feu, lease, or otherwise dispose of Lands for the Use of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

Proprietors
incorporated.

Rules for In-
terpretation
of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to one Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Houses, Tenements, Buildings, and all Heritages whatsoever; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Magistrate" or "Magistrates" shall be used, the same shall be understood to mean the Provost and Bailies of *Aberdeen*, all for the Time being, or any One or more of them; and where the Word "Sheriff" shall be used, the same shall be understood to include Sheriff Substitute; and where the Word "Month" shall be used, the same shall be understood to mean Calendar Month; and where the Word "Company" shall be used, the same shall be understood to mean the *Aberdeen Market*

Market Company; and where the Words "chartered Banks" shall be used, the same shall be understood to mean the Royal Bank of *Scotland*, the Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, and the National Bank of *Scotland*; and where the Words "Commissioners of Police" or "Board of Police" shall be used, the same shall be understood to mean the Commissioners or Board of Police acting under or by virtue of an Act made and passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages within the City of Aberdeen, and certain Grounds adjacent; for regulating the Police thereof; and for supplying the Inhabitants with Water*, or any Act or Acts that shall hereafter be passed for any similar Purposes; and where the Words "Police Act" shall be used the same shall be understood to refer to the said Act, or the said future Act or Acts; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

10 G. 4. c. 41.

III. And be it further enacted, That it shall be lawful for the said Company, or the Directors thereof for the Time being, appointed or to be appointed by or by virtue of this Act, and they are hereby authorized and empowered, to treat and agree, and to employ any Person or Persons to treat and agree, for the Purchase of the several Lands mentioned in the First Schedule to this Act annexed, and for the Purchase or Discharge of any subsisting Life-rent Rights, or other Rights, Servitudes, and Leases affecting the same, and Estates and Interests therein, and Burdens or Incumbrances constituted thereon, or such of them, or such Part thereof, as the said Company or the Directors for the Time being shall think proper, or (except in the Case of entailed Proprietors) for the Acquirement of such Lands in Feu Farm, on the Payment of a perpetual Feu Duty or Ground Rent in respect of the same: Provided always, that if any Part of the Premises called the *Malt Mill*, now belonging to the Magistrates and Council of the said City of *Aberdeen*, or any Part of the Land, Watercourse, or Waterfall attached and belonging thereto, or commonly used or known as Part, Parcel, or Member thereof, shall be required and taken by the said Company for the Purposes of this Act, the said Company shall be bound to purchase the whole of the said Premises, including the said Mill, Ground, Houses, Watercourse, Waterfall, or others, belonging thereto or connected therewith, from the said Magistrates and Council, and to pay the Value thereof, as soon as the same shall be agreed upon or ascertained, to the Treasurer of the said City of *Aberdeen*; and also provided, that where a Part only of any House or Building shall be required for the Purposes of this Act the said Company shall nevertheless be obliged to acquire the Whole of such House or Building.

Company may purchase Lands, &c.

IV. Provided always, and be it further enacted, That in case the said Company shall not purchase such Lands 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 Company to purchase any of the

Limitation of Power to purchase.

said

said Lands so remaining unpurchased, without Consent in Writing of the Owners thereof first had and obtained.

Company may enter Lands to survey and value the same.

V. And be it further enacted, That it shall be lawful for the said Company, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day, upon giving in Writing for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours, previous Notice to the Proprietors, or to their known Agents, if non-resident, and also to the Occupiers for the Time being, to enter into and upon the said Lands authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part of the said Lands, for the Damages that shall be thereby occasioned.

Power to purchase additional Premises, &c.

VI. And be it further enacted, That it shall be lawful for the said Company, or the Directors thereof for the Time being, at any Time or Times hereafter, to purchase, by Agreement with the Owners for the Time being, any Lands not comprised in the said First Schedule to this Act, provided the Whole or the principal Part of every such last-mentioned Lands be within Two hundred Yards from the nearest Boundary Line of the proposed Market, either on the North, East, West, or South Side thereof.

Provision for Deficiencies in Land Tax.

VII. And be it further enacted, That in order to prevent any Deficiency in the Assessment of the Land Tax in consequence of the Execution of the Works to be effected in pursuance of this Act, the said Company shall, from and after the Time that they shall become possessed of any Lands charged with the Land Tax, and until the said Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Directors shall think fit to redeem the same, under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, out of the Money to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said Assessment by reason of any Lands liable to such Assessment being used for the Purposes of this Act, according to the Rental at which the same are valued at the Time of passing this Act; and the said Company are hereby required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax.

Persons under legal Disability and others empowered to sell and convey Lands.

VIII. And be it further enacted, That it shall be lawful for all Corporations, Heirs of Entail, Life-renters, Husbands, Tutors, and Curators, or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors, and Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they may act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons, and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in any Lands to be taken under or by
 I virtue

Clerk or Clerks of the Royal Burgh of *Aberdeen*, Keepers of the Register of Sasines aforesaid, from exacting and receiving the same Fees in respect of the recording of the Feus, Conveyances, or other Deeds hereby authorized to be made and granted, as the said Clerks are and would have been legally entitled to exact and receive for and in respect of passing the Infestments and recording the Instruments of Sasine dispensed with as aforesaid.

Power to obtain Discharge of Lands wanted from Burdens constituted thereon.

X. And be it further enacted, That where any Lands purchased or intended to be purchased by the said Company shall be subject solely, or jointly with other Lands not so purchased or intended to be purchased, to any Feu Duty, Ground Annual, Casualty of Superiority, or other real Burden or Incumbrance, it shall be lawful for the said Company to require or agree for the Release and Discharge of the Lands so purchased or intended to be purchased from such Burden or Incumbrance, and also (where necessary or convenient) to require or agree for an Apportionment of such Burden or Incumbrance, for such gross Sum as shall be settled between the said Company and the Party who under the Provisions of this Act shall be entitled to release, discharge, or apportion the same, and which Agreement shall and may be entered into by all Persons and Corporations by this Act authorized and empowered or capacitated to sell, feu, or convey Lands; and in case any Difference shall arise respecting the Value of such Burden or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, Notice of the Time and Place of Meeting of such Jury being given to the Owner of such Land in like Manner as other Notices for the same Purpose are herein-after required to be given; which Jury shall assess and determine the Value of the Burden or Incumbrance affecting the Lands purchased or intended to be purchased, and shall also (where necessary or convenient) apportion the Burden or Incumbrance affecting the Lands jointly subject thereto, as herein-before mentioned, according to the respective Values of the Lands purchased or intended to be purchased, and of the Lands not purchased or intended to be purchased by the said Company; and thereafter the Person or Corporation entitled to release, discharge, or apportion such Burden or Incumbrance shall be bound and obliged, on Payment or Consignation, in manner herein provided, of the Value of the Burden or Incumbrance thus assessed or determined, or on being thereunto otherwise legally required, to make, execute, and deliver every such Deed as shall be requisite for the Purpose of discharging or apportioning such Burden or Incumbrance (as the Case may be); and all Agreements, Releases, Discharges, or other Deeds which shall be made by and between the said Company and any such Party as aforesaid, or in favour of the said Company, shall be valid and effectual, and shall extinguish the Whole or a proportionate Part of such Feu Duty, Ground Annual, Casualty of Superiority, or other Real Burden or Incumbrance, (as the Case may be,) provided the said Agreement, Release, Discharge, or other Deed shall have been recorded in the general or particular Register of Sasines, Reversions, &c. in the Manner required by Law: Provided always, that when the Party entitled to and in right of such Burden
or

or Incumbrance shall consider the remaining Part of the Land so jointly subject, and the same shall in fact be, a sufficient Security for such Burden or Incumbrance, and shall be willing to release and discharge the Lands so purchased by the said Company therefrom, then and in such Case it shall be lawful for the Party entitled or by this Act capacitated to apportion such Burden or Incumbrance, or to release and discharge the Lands so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the other Lands so jointly subject as aforesaid, such Owner not being under legal Disability or Incapacity,) to release and discharge the Lands so purchased as aforesaid from the Burden or Incumbrance so affecting the same as aforesaid jointly with other Lands, on condition or in consideration of such other Lands continuing or remaining wholly and exclusively subject to the whole of such Burden or Incumbrance: Provided also, that when any of the Lands purchased by the said Company shall be released and discharged from a Portion of any Burden or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be liable only for the Remainder of such Burden or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Feu Duty, Ground Annual, Casualty of Superiority, or other Real Burden or Incumbrance, or the Right to enforce the same, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally liable for that Amount only.

XI. And be it further enacted, That all Persons and Corporations holding any Security by Lien, Wadset, Heritable Bond, redeemable Bond of Annuity, or Disposition in Security, over or to any Lands to be taken or used for the Purposes of this Act, shall, on Payment or Tender by the said Company, or by any Person by them authorized, of the Principal Money, and Interest due thereon, or of the Value of the said Annuity, and the Penalty and Expences (if any) then due on the said Principal Money or Value of said Annuity, together with the Amount of Six Months Interest on the said Principal Money, or Interest for such shorter Period as may be fixed for Intimation of Payment and Redemption of the said Securities as after mentioned, immediately discharge their said Security, or, in the Option of the said Company, convey, assign, and transfer their Interest in and Right to the said Lands and Securities to the said Company, or to such Person and in such Manner as they shall appoint, and which Conveyance, Assignment, and Transfer may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit, or in the usual Form of Deeds used for that Purpose in *Scotland*; or in case the Holders of such Securities shall have Notice in Writing from the said Company, or from the Party or Parties entitled to exercise the Power of Redemption of the said Lands, that they will pay off the Principal Money and Interest which shall be due on the said Security at the End of Six Months (to be computed from the Day of giving such Notice), or at the End of such shorter Period as may be fixed for Intimation of Payment and Redemption by the said Securities, then, at the End of such Six Months or shorter Period, on the

Holders of
Heritable
Securities to
discharge or
convey.

Payment

Payment of the Principal Money and Interest so due, together with any Penalty or Expences then due, the Holders of such Securities shall discharge the same, or, in the Option of the said Company, convey, assign, and transfer their respective Interests in and Right to the said Lands and Securities to the said Company, or as they shall direct; and in case they shall refuse to discharge, or convey, assign, and transfer as aforesaid, on such Tender or Payment, then, from and after actual Payment or Consignment shall have been made in manner herein-after provided, all Interest on every such Security shall from thenceforth cease and determine: Provided always, that in case any Holder of such Security shall neglect or refuse to discharge, or convey, assign, and transfer as aforesaid, or in case of Doubt as to the Right or Title of such Holder, then, upon Consignment of the Principal Money and Interest, or Value of the said Annuity, and the Penalty and Expences (if any) due on any such Security as aforesaid, in one of the chartered Banks in *Scotland*, at or at any Time after the End of Six Months from the Day of giving such Notice as aforesaid, or after the End of such shorter Period as may be fixed for Intimation of Payment and Redemption by the said Securities in lieu of such Notice, and in addition to the said other Monies of Interest for Six Months or such shorter Period as aforesaid in advance, in name or for behoof of the Holder of such Security, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the Holder of such Security, and of all Persons in Trust for him, shall vest in the said Company, and the said Company shall be entitled to take such legal Steps as may be necessary for making up a formal valid Title to such Security.

Directing in what Manner Disputes between the Company and certain heritable Creditors shall be settled.

XII. And be it further enacted, That in all Cases in which any Lands subject to any Security as aforesaid shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Money and Interest or Value of Annuity, with the Penalty and Expences secured thereon, or in which a Part only of any Lands subject to such Security shall be required for the Purposes of this Act, and the Holder of Security shall not consider the remaining Part of such Lands to be sufficient for the Money secured thereon, or shall not be willing to release the Part of the Lands required for the Purposes of this Act from his Security, the Value of such Lands, or (as the Case may be) of such Part of such Lands, as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between the Holder of such Security and the Person entitled to exercise the Power of Redemption of such Lands on the one Part, and the said Company on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to the Holder of such Security in satisfaction of his

1

Claim,

Claim, so far as the same will extend; and the Holder of such Security shall thereupon discharge his Security over the said Lands, the Value whereof shall so have been agreed upon or determined as aforesaid, or, in the Option of the said Company, convey, assign, and transfer his Security to the said Company, so far as it extends over the said Lands, and to the Extent of the Sum paid to him; or in case of his neglecting or refusing to discharge, or to convey, assign, and transfer as herein-before directed, then the Amount of such Value and Compensation shall be consigned in one of the chartered Banks in *Scotland*, to the Credit of the Holder of such Security, as by this Act is provided in Cases of a like Nature; and such Payment or Consignment shall be and be accepted in satisfaction of the said Security, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the Lands aforesaid as shall be so taken or used from all Principal and Interest, Penalty and Expences, due or secured thereon, and thereupon such Lands shall become the absolute Property of the said Company: Provided nevertheless, that all Holders of Securities as aforesaid shall have the same Powers or Remedies and Title to pursue for recovering or compelling Payment of their Debts, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, and the Penalties and Expences, upon and out of the Residue of the Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally subject to such Security.

XIII. And be it further enacted, That the Rights and Titles to be granted in manner herein mentioned to the said Company in and to any Lands used or taken for the Purposes of this Act shall (unless otherwise especially provided) in nowise affect or diminish the Right of Superiority in the same, which shall, although not especially reserved, remain entire in the Person granting such Rights and Titles; and in the event of the Lands so used or taken being a Part or Portion of other Lands held by the same Owner under the same Titles, they shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall the said Company be bound to enter with the said Superiors: Provided always, that before entering into possession of any Lands full Compensation shall be made to the said Superiors for all Loss which they may sustain by being deprived of any Casualties, or otherwise, by reason of the above Provision.

Superiority
not to be
diminished.

XIV. And be it further enacted, That in all Cases in which a Part only of any Lands comprised in any Lease or Missives of Lease for a Term of Years unexpired shall be required for the Purposes of this Act, save and except the Premises called the *Malt Mill*, herein-before specially provided for, the Rent payable in respect of the Lands comprised in such Lease or Missives of Lease shall be apportioned between the Lands required for the Purposes of this Act and the Residue of such Lands; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in

Rents to be
apportioned.

[*Local.*]

18 O

pursuance

in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Landlord from whom such Lands are leased, or in case the same shall be settled by the Verdict of a Jury, then Seven Days Notice of the Inquiry thereupon shall be given to such Landlord; and after such Apportionment the Tenant or Lessee of the Lands comprised in such Lease or Missives of Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Missives of Lease as shall have been apportioned in respect of the Lands not required for the Purposes of this Act; and the Landlord of the said Lands shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Lands not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent stipulated in such Lease or Missives of Lease; and such Apportionment shall not prejudice or affect any of the Provisions or Conditions in such Lease or Missives of Lease, so far as the same relate to the Lands comprised therein not required for the Purposes of this Act, but the same shall, as to such last-mentioned Lands, but not further or otherwise, continue in full Force and Operation, and shall have the same Operation and Effect as if such last-mentioned Lands were the only Lands comprised in such Lease or Missives of Lease.

Parties to
deliver a
Statement of
their Claims
within Two
Months after
Notice.

XV. And be it further enacted, That on or before the Expiration of Two Months next after Notice in Writing from the said Company, or their Agent duly authorized, of their Intention to take or use any Lands, or any Part thereof, for the Purposes of this Act, shall have been given to any Person or Corporation having Right to, or being interested in, or authorized by this Act to accept and receive Satisfaction or Compensation for the Value of the same, or any Estate, Share, or Interest therein, or Burden or Incumbrance constituted thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the said Company a Statement in Writing of the Particulars of the Estate, Share, Interest, Burden, or Incumbrance which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, Burden, or Incumbrance, and for such Injury or Damage respectively; and in case such Person or Corporation shall refuse or omit to deliver such Statement in manner and within the Period herein-before mentioned, he or they shall not be entitled to demand or claim any further or other Sum than the Value of the Land actually taken or required for the Purposes of this Act: Provided nevertheless, that every such Notice from the said Company shall state the Nature of the Particulars required, together with the Purport of this Provision, and the Consequence of Non-compliance therewith.

XVI. And

XVI. And for settling all Differences which may arise between the said Company and the several Owners, whether as Superiors or Vassals, Lessees and Occupiers of, or Persons interested in, any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Person or Corporation so entitled, interested, or hereby capacitated to sell and convey any Lands, or discharge any Burdens and Incumbrances, shall not agree with the said Company as to the Amount of the Purchase Money, Satisfaction, or Compensation due for the same, or if any such Party as aforesaid entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept the Amount offered by the said Company, and shall give Notice of such Refusal in Writing to the said Company within One Month next after such Offer shall have been made; and shall in such written Notice request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall, for the Space of One Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any such Person, or his Factor or known Agent, or left at his last or usual Place of Abode, neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance or Discharge of his said Estate or Interest, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement and Conveyance or Discharge as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the Works hereby authorized to be made; or if the said Company shall, for the Space of One Month after Notice in Writing given to them by any Person or Corporation, being an Owner, Lessee, or Occupier, or being interested in any Lands taken, used, damaged, or injuriously affected by the Execution of the Powers hereby granted, provided a Statement or Particulars of the Claim of such Person or Corporation shall not be required by the said Company as before provided for, or if such Statement or Particulars shall be so required, then within One Month after Delivery thereof to the said Company or their Clerk or Secretary, neglect or refuse to treat with such Parties, or shall not agree with them; or if in any other Case an Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made; then and in every such Case the said Company, or the said Owner, Lessee, or Occupier, or Person interested in such Lands, shall be, and they, or their Mandatories in their Absence, are hereby respectively empowered to make a summary Application in Writing to the Sheriff of the said County of *Aberdeen*, and to crave that such Amount may be assessed and ascertained by the Verdict of a Jury; and the said Sheriff is thereupon required to summon a Common Jury of Twenty duly qualified Persons, in the Manner in which such Juries are in use to be summoned for ascertaining or striking annually the *Fiars* Prices of Grain for the said County of *Aberdeen*, to meet at such Time and Place as such Sheriff shall think fit to appoint, not being less than Six Days after the

In Case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

the Date of such Application, out of whom the said Sheriff shall in the usual Way impanel a Jury of Thirteen Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff is hereby empowered and required to preside in the said Court, and to summon and call before him or grant Commission for the Examination of every Person who shall be thought necessary by either Party to be examined as a Haver or Witness touching the Matter in question, and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Land, Place, or Premises in controversy; and the Jury shall inquire of, assess, and fix, by the Verdict of a Majority of their Number, the Sum of Money to be paid for the Purchase or the whole of any such Lands belonging to the same Proprietor, or for any Interest therein, or for the Release and Discharge of any such Lands from any Burden or Incumbrance thereon, or for Compensation as aforesaid, under Deduction of the Value of any Interest therein which may have been purchased by the said Company from any other Person, and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained, or for the future temporary or perpetual or for any recurring Damages to be done or sustained, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them, which Satisfaction or Compensation for Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands to be taken or used as aforesaid; and the said Sheriff shall accordingly give Judgment and Decree for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment and Decree thereon to be pronounced as aforesaid, shall not only be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause, but shall not be subject to Review or Stay of Execution by Advocation, Suspension, or Reduction, or to any Question or Review in any way whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Pursuer, and shall have all such Rights and Privileges as Pursuers in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given, by the Party who shall apply to the Sheriff for the same, to the Party with whom any such Dispute shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation in the Case of a Corporation, a Certificate whereof shall, if called for, be produced, under the Hand of the Person giving such Notice, before the Jury is impanelled as aforesaid.

Special
Juries may
be called.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Company, or for any of the Parties, upon such Application being made to the Sheriff for a Jury as aforesaid, to crave the Sheriff that such Jury shall be chosen from disinterested
Persons

Persons qualified to act as Special Jurors in *Scotland*; and the said Sheriff shall thereupon, in place of the Common Jury to be summoned in manner herein-before directed, cause to be returned to the Sheriff Clerk a List of Thirty-six Persons qualified to be Special Jurors in *Scotland*, and shall appoint a Day for the Parties or their Agents to appear before such Sheriff Clerk to reduce the Number of such Jury, and on the Day appointed the Parties or their Agents shall appear before such Sheriff Clerk, and, beginning with the Party who had originally applied to have the Matters aforesaid assessed or ascertained by a Special Jury, alternately strike off One from the said List until the Number of Jurymen is reduced to Twenty, which Twenty only shall be summoned to attend the said Sheriff on the Day appointed for the Trial of the Matter aforesaid; and if either of the Parties or their Agents shall fail to attend on the Day appointed for reducing the Number of Jurymen, then the other Party attending shall proceed to strike off One from the said List, and the Sheriff Clerk shall strike off One alternately, till the List be reduced to Twenty as aforesaid; and on the Day appointed for trying the Matters aforesaid the Jury shall consist of such Thirteen of the said Twenty as shall first appear on the Names being called over, all Persons having their lawful Challenges or Exceptions against any of the said Jurymen; and where a full Jury shall not appear, or shall not remain after such Challenges as aforesaid, it shall be lawful for the said Sheriff to add to the List of the Jury the Names of such other disinterested Persons qualified to act as Special or Common Jurymen in *Scotland*, and who have not been previously struck off the aforesaid List, and who may then be attending the Court, as may be necessary to make a Jury of Thirteen, all Parties having also their lawful Challenges or Exceptions against such Persons; and the said Sheriff shall and may proceed to the Trial and Adjudication of the Matters aforesaid with those Persons who were originally inserted in such List of Jurors, together with the Persons added in manner aforesaid, in the same Manner as the said Sheriff might and ought to have done if all the said Persons whose Names were inserted in the said original List had appeared to try the Matters aforesaid, and in the same Manner as is herein-before provided in the Case of a Common Jury; and the Verdict shall be returned by a Majority of such Thirteen Persons as aforesaid; and the Decree of the Sheriff thereon shall be enforced in like Manner as is herein-before provided, and shall not be subject to Review or Stay of Execution in any way whatever.

XVIII. And be it further enacted, That all Juries summoned under the Powers of this Act for the Purpose of ascertaining and determining the Amount of Satisfaction or Compensation to be made for the taking, using, or prejudicially interfering with any Lands, or for any Injury which may arise thereto by reason of any of the Works to be executed under or by virtue of this Act, shall, if required, apportion the Amount of such Compensation among the various Parties interested in such Lands, according to their respective Interests therein, and the proportionate Amount of Loss or Damage which they may respectively sustain.

Compensation Money to be apportioned.

Verdicts to
be recorded.

XIX. And be it further enacted, That the said Applications, Verdicts, Judgments, and Decrees, being first signed by the said Sheriff, shall be kept by the Sheriff Clerk of the said County of *Aberdeen*, and shall be deemed Records to all Intents and Purposes; and the same, or Extracts thereof or of any Part thereof, duly authenticated according to the Forms usual in *Scotland*, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the said Records, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Jurors to be
under the
same Regu-
lations as
those sum-
moned for
striking the
Fiars.

Persons
giving false
Evidence to
be subject to
the Penalties
for Perjury.

XX. And be it further enacted, That every Juryman and Witness summoned or cited to attend such Trial shall also be subject to the same Regulations, Pains, and Penalties as if such Juryman and Witness respectively had been summoned or cited to serve upon any Jury, or give Evidence at the striking of the annual Fiar's Prices of Grain for the said County of *Aberdeen*; and all Persons who, in any Examination to be taken by virtue of this Act, upon their Oath, or, being Quakers, upon their Affirmations, shall wilfully and corruptly give false Evidence before any such Jury or Sheriff, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall and may by Law be subject.

Expences of
Jury how to
be paid.

XXI. And be it further enacted, That in every Case in which the Verdict of a Jury impanelled as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury, and the Expences of Witnesses, and of the Inquisition and Judgment thereon, and of the Bond to be given by the Party requiring such Jury to be summoned, and the Fees and Expences of the Attendance of One Counsel, shall be defrayed by the said Company, and such Costs, Charges, and Expences shall be taxed and decerned for by the said Sheriff; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Company shall have such Dispute, and the Remainder shall be defrayed by the said Company; and the Moiety of such Costs, Charges, and Expences to be defrayed by such Party, having been taxed and decerned for in manner herein-before mentioned, shall and may be deducted out of the Money decerned to be paid to him as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so decerned for shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented
from

from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

XXII. And be it further enacted, That all Parties with whom the said Company shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, on Tender thereof by the Company, before the said Sheriff shall issue his Warrant for summoning such Jury, enter into a Bond to the said Company, in a Penalty of One hundred Pounds, to prosecute their Claim, and to bear and pay their Proportion of the Costs, Charges, and Expences attending such Inquiry as herein-before mentioned, in case any Part of such Costs, Charges, or Expences shall fall upon them.

Persons requesting Juries to enter into Bonds to prosecute their Complaint and to pay Expences.

XXIII. Provided always, and be it further enacted, That in all Cases in which any Tenant or Lessee shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled to in any Lands intended to be taken or used under the Authority of this Act, under or by virtue of any Lease or Missives of Lease, or otherwise, the said Company are hereby authorized to require such Party to produce or show the Lease or Missives of Lease, or other sufficient Evidence of the Terms under which he holds, in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease or Missives of Lease, or such Evidence thereof, shall not be produced or shown within Twenty-one Days after Demand made by the said Company, or by their Clerk or Agent, or sufficient Cause shown for Non-production thereof, the Party claiming such Satisfaction or Compensation shall be considered and treated as a Tenant holding only from Year to Year.

Persons holding under Leases to produce the same.

XXIV. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners, Lessees, or Occupiers of the Property to be taken or used for the Purposes of this Act, or to be injured by any thing done in the Execution of any of the Powers hereby granted, as to the Amount of Purchase Money or Satisfaction or Compensation to be paid for the same, and such Difference cannot be adjusted and settled between the said Parties, and in case the Amount claimed does not exceed the Sum of One hundred Pounds, the Sum to be paid shall be ascertained and determined by the Sheriff of the said County of *Aberdeen*, who, upon summary Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle, and also pronounce Decree for the Amount which shall be payable by the said Company, without the Intervention of a Jury; and the Decree of the Sheriff thereon shall be enforced in like Manner as is herein-before provided with respect to Decrees pronounced by the Sheriff on or after Verdicts of Juries, and shall not be subject to Review or Stay of Execution in any way whatever.

Settling Disputes as to Damages to a small Amount.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release and Discharge of any such Lands from any Burden or Incumbrance secured thereon, or for any Compensation

Application of Compensation Money when amounting to 200*l.*

tion

tion under this Act for Injury done to such Lands, which any Corporation, Heir of Entail, Life-renter, Husband, Guardian, Tutor or Curator, Judicial Factor or Trustee, or any Executor or Administrator, or any Infant, Minor, Issue unborn, Bankrupt, Lunatic, Idiot, Married Woman, or other Person under any Disability or Incapacity, shall be entitled to, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid, under the Direction and by the Authority of the Court of Session, into some one of the chartered Banks in *Scotland*; to the Intent that such Money shall be applied, under the Direction and Authority of the said Court, to be signified by an Order made upon a summary Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Heritable Debt or other Burden or Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed and settled and thereafter held to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the Interest and annual Produce of such Money shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

When less than 200*l.* and exceeding 20*l.*

XXVI. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, with the Approbation of the said Company, signified in Writing under the Hands of Three at least of the Directors of the said Company, be paid into any of the chartered Banks in *Scotland*, and applied in manner herein-before directed; or otherwise the same may be paid, upon the Request of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein; or of their respective Husbands, Guardians, Tutors, or Curators, Judicial Factors or Trustees, in the Cases of Married Women, Infants, Idiots, Lunatics, or other incapacitated Persons, and with the like Approbation, to Two Trustees, to be nominated by the respective Parties (such Nomination to be approved of by the said Company), and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom,

therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the chartered Banks as aforesaid, without obtaining or being required to obtain therefor the Direction or Authority of the Court of Session.

XXVII. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation shall be paid, for their own Use and Benefit; or in the Cases of Married Women, Infants, Idiots, Lunatics, or other incapacitated Persons, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Tutors or Curators, Judicial Factors or Trustees.

When not exceeding 20*l*.

XXVIII. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded and decerned to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or for any Interest, or for Satisfaction or Compensation as aforesaid, shall refuse or neglect to accept the same, or to convey the Premises or Interest in the Premises purchased, or shall refuse, neglect, or be unable to make a Title to such Premises, or to such Interest in the Premises, to the Satisfaction of the said Company, or shall be absent from *Scotland*, or cannot be conveniently found, or if any Party entitled unto or to convey such Lands or such Interests therein cannot be conveniently known or discovered, or be not shown, to the Satisfaction of the said Company, to be such Party, then and in every such Case it shall be lawful for the said Company to order the Money so agreed or awarded as aforesaid to be consigned in any of the chartered Banks in *Scotland*, to be placed in an Account to be opened in Name of the Parties interested in the said Lands (describing them, so far as the said Company can do), subject to the Control and Disposition of the Court of Session; which said Court, on the Application of any Party making claim to such Money, or to any Part thereof, by a summary Petition, is hereby empowered to order the same to be laid out and invested, and to order Distribution thereof, or of the Interest thereof, according to the Right, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank who shall receive such Money is hereby required to give to the said Company a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

In case of not making out Titles &c. the Money to be paid into a Bank.

XXIX. Provided always, and be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid, or otherwise upon this Act, regarding the Title of any Party to any Lands, or to any Interest in any Land, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into any of the chartered Banks in *Scotland* for the Purchase

Persons in possession presumptively entitled.

chase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act, or for Compensation as aforesaid, the Parties respectively who shall have been in possession or receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Persons and Corporations claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, or such Interest therein, or to such Money as aforesaid, according to such Possession, unless the contrary shall be shown to the Satisfaction of the said Court of Session; and the Dividends or Interest and also the Capital of such Money shall be paid, applied, and disposed of accordingly, until it can be shown to the Satisfaction of the said Court that some other Party has a preferable or better Right thereto.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction or Compensation shall be payable, under the Authority of this Act, except in Cases where Parties shall refuse to convey such Lands, the Purchase Money for the same, or the Money payable for such Compensation, shall be required to be paid into any of the chartered Banks in *Scotland*, it shall be lawful for the Court of Session to order the Costs, Charges, and Expences attending the Purchase or the taking or using of such Lands, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Reinvestment of the Purchase or Compensation Money in other Lands, and likewise the Costs, Charges, and Expences (occasioned only by the Exercise of the Powers conferred by this Act, and not by Litigation between Claimants or otherwise,) of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money, and for the Payment of the Interest thereof, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Company out of the Monies to be received by virtue of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

XXXI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, or for the Release and Discharge of any Burden or Incumbrance as aforesaid, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Money, Satisfaction, or Compensation is authorized or directed to be paid into any of the chartered Banks of *Scotland*, then, upon Consignment of such Money in any of the chartered Banks in *Scotland* in manner in such Case authorized or directed, it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, together with the yearly Profits thereof, and all the Estate, Use,

Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act, and the said Company shall not be bound to see to the Application of any such Purchase Money, Compensation, or Satisfaction; and such Payment or Tender and Conveyance, or such Deposit in a chartered Bank as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands or Heritages, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all other Right or Title of every other Person whomsoever therein, in respect of which such Purchase Money shall be paid: Provided nevertheless, that before such Payment, Tender, or Deposit in a chartered Bank as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to enter upon or disturb such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

XXXII. And be it further enacted, That if any Proceedings shall at any Time be had or taken against the said Company, or any Person deriving Right from them, for the Recovery of the Possession of any Lands which may have been purchased and taken in pursuance of this Act, and for which they shall have *bonâ fide* and without Collusion paid, deposited, or tendered, according to the Provisions of this Act, the Purchase Money, Compensation, or Satisfaction agreed or awarded to be paid in respect of the same, then, within Two Calendar Months after final Judgment shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Appeal from such Judgment, there shall be paid or tendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceeding shall be pending, his full Costs, Charges, and Expences of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall, in the Manner herein-after mentioned, find to be the Value of the said Lands at the Time when the same were purchased and conveyed for the Purposes of this Act, or when Possession thereof was taken as aforesaid by the said Company, together with such Sum of Money as the said Jury shall at the Time find to be the Value or an Equivalent for such Mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the Purposes of this Act, as the Party obtaining such Judgment would have been entitled to; or in case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Lands than the absolute Fee Simple thereof in Possession free from Incumbrances, then the Value of the said Lands, to be ascertained as after mentioned, shall be consigned in any of the chartered Banks of *Scotland*, subject to the Control and Disposition of the Court of Session, in manner herein-before directed in Cases where Titles are not made out; and upon Payment or Tender of such Sum or Sums of Money as herein-before mentioned, the Interest of such Person or Persons in the said Lands

In case of Proceedings for Recovery taken in pursuance of this Act.

Lands shall be and remain absolutely vested in the said Company, their Successors and Assigns.

The Jury who shall try such Proceedings shall ascertain the Value to be paid in lieu of the Land.

XXXIII. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of this Act, or when Possession was taken thereof by the said Company, or in default thereof such Value may be settled and ascertained by a Jury to be summoned and returned as and in manner herein-before directed, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Lands, and such Value shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner herein-before directed.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 50,000*l.*, to be divided into Shares of *l.* each.

XXXIV. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the Market and other Works by this Act authorized, not exceeding in the whole the Sum of Fifty thousand Pounds, the whole to be divided into Shares of One Pound each; and such Shares shall be numbered, beginning with Number One, in arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and no Person shall be or become a Proprietor of less than One Share in the said Company; and the said Shares shall be and are hereby vested in the several Parties taking the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionally to the Sum they shall severally contribute; and all Persons, and their several and respective Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, in proportionable Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act.

Shares to be deemed Personal Estate.

XXXV. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Moveable or Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real or Heritable Property.

Limiting Responsibility of Shareholders.

XXXVI. And be it further enacted, That no Person, nor the Estate, Real or Personal, of any such Person, who is or shall be a Proprietor of the said Company, shall be liable for or charged with the Payment of any Debt or Demand whatsoever due or to become due by or from the said Company, beyond the Extent of his or their Share in the Capital of the said Company.

XXXVII. And

XXXVII. And be it further enacted, That the said Company shall and they are hereby required, at their first or some subsequent General Meeting, and afterwards from Time to Time as Occasion may require, to cause the Names of the several Corporations, and the Names and Additions of the several Persons, who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscriptions paid thereon, to be fairly and distinctly entered in a Book to be kept by the said Company; and the said Company shall from Time to Time cause a Certificate or Ticket, signed by any Two of the Directors, and countersigned by the Secretary or other Officer of the Company authorized by the Directors, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the said Company for every such Certificate or Ticket, according to the Number of Shares comprised in such Certificate or Ticket, after the following Rates; that is to say, for every Certificate or Ticket comprising not exceeding Nine Shares inclusive, Two Shillings and Sixpence; for every Certificate comprising Ten and not exceeding Nineteen Shares inclusive, Five Shillings; comprising Twenty and not exceeding Thirty-nine Shares inclusive, Seven Shillings and Sixpence; comprising Forty and not exceeding Fifty-nine Shares inclusive, Nine Shillings; comprising Sixty, and not exceeding Seventy-nine Shares inclusive, Ten Shillings and Sixpence; comprising Eighty and not exceeding Ninety-nine Shares inclusive, Twelve Shillings; comprising One hundred and not exceeding One hundred and twenty-four Shares inclusive, Thirteen Shillings and Sixpence; comprising One hundred and twenty-five and not exceeding One hundred and forty-nine Shares inclusive, Fifteen Shillings; comprising One hundred and fifty and not exceeding One hundred and seventy-four Shares inclusive, Sixteen Shillings and Sixpence; comprising One hundred and seventy-five and not exceeding One hundred and ninety-nine Shares inclusive, Eighteen Shillings; comprising Two hundred and not exceeding Two hundred and twenty-four Shares inclusive, Nineteen Shillings and Sixpence; comprising Two hundred and twenty-five and not exceeding Two hundred and forty-nine Shares inclusive, Twenty Shillings; comprising Two hundred and fifty and not exceeding Two hundred and seventy-four Shares inclusive, Twenty-two Shillings and Sixpence; comprising Two hundred and seventy-five and not exceeding Two hundred and ninety-nine Shares inclusive, Twenty-four Shillings; comprising Three hundred and not exceeding Three hundred and twenty-four Shares inclusive, Twenty-five Shillings and Sixpence; comprising Three hundred and twenty-five and not exceeding Three hundred and forty-nine Shares inclusive, Twenty-seven Shillings; comprising Three hundred and fifty and not exceeding Three hundred and seventy-four Shares inclusive, Twenty-eight Shillings and Sixpence; comprising Three hundred and seventy-five and not exceeding Three hundred and ninety-nine Shares inclusive, Thirty Shillings; comprising Four hundred and not exceeding Four hundred and twenty-four Shares inclusive, Thirty-one Shillings and Sixpence; comprising Four hundred and twenty-five and not exceeding Four hundred and forty-nine Shares inclusive, Thirty-three Shillings; comprising Four hundred and fifty and not

Names of Proprietors to be entered, and Certificates of their Shares to be delivered to them.

[Local.]

18 R

exceeding

exceeding Four hundred and seventy-four Shares inclusive, Thirty-four Shillings and Sixpence; comprising Four hundred and seventy-five and not exceeding Five hundred, and including all Shares above the Number of Five hundred, Thirty-six Shillings; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators; or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

‘ The *Aberdeen* Market Company.

Form of
Certificate.

‘ *Aberdeen* [Date].

‘ THESE are to certify, That *A. B.* of _____ is
‘ at the Date hereof the Proprietor of _____ Shares of the
‘ *Aberdeen* Market Company, subject to the Rules, Regulations, and
‘ Orders of the said Company.’

For granting
new Certifi-
cates when
old ones are
destroyed or
worn out.

XXXVIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then, upon due Proof thereof, by Affidavit, Declaration, or otherwise, to the Satisfaction of the said Company, a similar Certificate or Ticket shall be given to the Proprietor of the Shares in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Company receiving at and after the Rates aforesaid for every such Certificate or Ticket which shall be so given or exchanged.

For ascer-
taining Pro-
prietorship
of Shares in
case of
Deaths, &c.
in order to
the Payment
of Dividends
in respect of
such Shares.

XXXIX. And whereas by the Death or Bankruptcy of, or by other Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases when the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein directed, a Declaration in Writing shall be made by some credible Person before one of Her Majesty's Justices of the Peace, stating the Manner in which such Share hath been passed to such other Person or Corporation; and such Declaration shall be transmitted to the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Company shall be entitled to receive for each such Entry as is herein-before directed at and after the Rates aforesaid; and the said Company shall not be bound to see to the Execution of any Trust, whether express or implied, to which any such Share shall be subject or liable; and before such Declaration shall have been transmitted and such Entry made as aforesaid, no Person or Corporation to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always,
that

that before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before One of Her Majesty's Justices of the Peace, and shall be transmitted to the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person or Corporation who shall claim any of the Profits of the said Undertaking by virtue of any Testament or Will, or any Trust Deed or Settlement, or of any judicial Transfer, shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Extract of the Confirmation or Decree of Adjudication or other Act shall be produced and shown to the said Company: Provided always, that the recording of such Declaration shall not imply any Liability on the Part of the said Company, or their Clerk or Secretary, for the Regularity or Validity of the Transfer or Title therein set forth; and that all Payments of Dividends, or other Acts done by the Company or any of their Officers, *bonâ fide* in the Belief of the Regularity or Validity of any such Transfer or Title, shall be effectual so far as the Company or such Officers are concerned, and shall exonerate and relieve them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

XL. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers of this Act, at such Times and at such Places and to such Person as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money by him so subscribed for, or the Part thereof so called for, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid as aforesaid up to the Day of actual Payment thereof, and it shall not be necessary to make any written Demand of Payment, or to give any other Notice respecting the same than is herein-after required.

To compel
Payment of
Subscrip-
tions.

XLI. And be it further enacted, That the Directors shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking as they from Time to Time shall find necessary, so that the total Amount of such Calls shall not exceed the Sum subscribed for by the several Proprietors; and all Monies so called for shall be paid to such Persons, at such Times and Places, and in such Manner as the Directors shall appoint, and of which Times and Places Fourteen Days Notice at least

Power for
Directors to
make Calls.

If Calls are not paid Interest to be paid thereon.

If Calls and Interest are not paid they may be sued for, and the Shares declared to be forfeited, and sold, after Notice.

least in Writing shall be given by the Clerk of the said Company to the several Persons liable to pay such Calls, which Notice may be sent by the Post or in such other Manner as the said Directors shall direct in that Behalf; and the respective Owners of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be called for as aforesaid, to such Persons, and at such Times and Places, and in such Manner as shall be appointed as aforesaid; and if any Owner or Proprietor for the Time being of any such Share shall not so pay such his rateable Proportion, then and in such Case, and as often as the same shall happen, he shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor for the Time being of any such Share shall neglect or refuse to pay such his rateable Proportion, together with Interest, if any, then, or at any Time thereafter, it shall be lawful for the said Company to sue for and recover the same by Action in any competent Court; and the said Directors may and they are hereby authorized to declare the Shares belonging to such Owner to be forfeited, and to order such Shares to be sold: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing, under the Hands of Two Directors, or under the Hand of the Secretary or Clerk of the said Company, that such Share has been declared forfeited, shall have been given or sent by the Post unto or delivered at the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Two Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General Meeting or Special General Meeting, the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, or any of them, in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Shares, at a public Auction or by private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit, and any Proprietor shall be entitled to purchase the same; and a Declaration in due Form of Law, made by some credible Person not interested before any Justice of the Peace, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in Payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration of Forfeiture had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale, but such Declaration, and the Receipt of the Treasurer or Secretary of the said Company for the Price of such Share, shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

XLII. And

XLII. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged; provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter, under the Powers last herein-before contained, than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls, and the Interest and Expences as aforesaid, any Share so forfeited and vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

If Purchase Money of forfeited Shares be more than sufficient to pay the Arrears of Calls, &c. Surplus to be paid to the Owners of such Shares.

XLIII. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being of any Share in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to aver that the Defender, being a Proprietor of a Share in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrears shall amount to; and on the Trial of such Action it shall only be necessary to prove that the Defender, at the Time of making such respective Calls, was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, including Interest computed as aforesaid, on such Calls, unless it shall appear that Notice was not given as herein-before required; and in order to prove that the Defender was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become entitled to Shares therein, or an Extract from such Book, certified by the Secretary or one of the Directors of the said Company, shall be *prima facie* Evidence that such Defender is a Proprietor, and of the Number and Amount of his Shares therein.

Proceedings in Actions for Calls.

XLIV. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or marry (being Females), or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have been made of the Transfer thereof with the Clerk of the

For ascertaining the Proprietorship of Shares in case of Deaths, &c.

in order to
the making
of Calls in
respect of
such Shares.

said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original or from any registered Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein provided, and such Declaration as is herein-before in that Behalf directed shall have been transmitted to the said Company, then and in any of the Cases aforesaid, after Twenty-one Days Notice in Writing shall have been given under the Hands of Two Directors, or under the Hand of the Secretary or Clerk of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or left at the last or usual known Place of Abode of such Person, or to the Clerk of such Corporation, or by Advertisement inserted in some One or more *Aberdeen* Newspapers, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon, or such Shares may, at the Option of the said Company, be consolidated in the General Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or left at the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same, and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be out of the Kingdom, such Notice shall be inserted in the *London* and *Edinburgh* Gazettes; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited, and may be sold, or be consolidated with the General Fund of the said Company in manner aforesaid; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Cases of Proprietors being abroad the Shares shall not be forfeited until the Expiration of Six Months after the last Day on which such Notice shall have been inserted in the *London* and *Edinburgh* Gazettes as aforesaid.

XLV. And

XLV. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons and Corporations who shall have duly subscribed for or become entitled to any Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall be entitled to vote in respect of such Shares according to the Number thereof, each Share giving a Right to One Vote; and such Vote or Votes may be given by such respective Parties, or, in their Absence, by their respective Proxies, constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors of the said Company then present personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have the deciding or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

Directing how Subscribers shall vote at Meetings.

‘ *A. B.* one of the Proprietors of the *Aberdeen*
 ‘ Market Company, hereby appoints *C. D.* of to be
 ‘ the Proxy of the said *A. B.*, to vote or give his Assent to or
 ‘ Dissent from any Business, Matter, or Thing relating to the said
 ‘ Undertaking which shall be proposed at any General or Special
 ‘ General Meeting of the said Company, in such Manner as he the
 ‘ said *C. D.* shall think proper. Dated this Day of
 ‘ Years.’

Form of Proxy.

XLVI. Provided always, and be it further enacted, That no Person, except a Proprietor in the said Undertaking, shall be entitled to vote as the Proxy of any Person or Corporation as aforesaid, nor unless the Instrument appointing such Proxy shall have been transmitted to and received by the Secretary or the Clerk of the said Company Two Days at least before the holding of the Meeting at which such Proxy is intended to be used.

Proxies to be given to Proprietors only, and to be transmitted to Secretary or Clerk of Company.

XLVII. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall, for the Purpose of voting at any General or Special General Meeting of the said Company, be deemed the Proprietor of such Share, and as between several Proprietors all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share (and not otherwise), and whose Vote shall, either in Person or by Proxy, on all Occasions, be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share;

The Person whose Name stands first as a Joint Proprietor with others to be deemed the Owner and to vote.

and

and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *London* and *Edinburgh* Gazettes, as herein mentioned (as the Case may require), and such Notice shall be deemed sufficient Notice to such Person whose Name shall so stand first as aforesaid, and to all other the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

Lunatics
and Minors
to vote by
Curators
and Guar-
dians.

XLVIII. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Curator, or by the Judicial Factor on his Estate, and such Curator or Judicial Factor may vote in respect of the Interest of such Lunatics or Idiots either in Person or by Proxy; and such Minor shall and may vote by his Tutor, Curator, or Guardian, or by any of his Tutors, Curators, or Guardians, and such respective Tutors, Curators, or Guardians, or any of them, may vote in respect of the Interest of such Minors either in Person or by Proxy: Provided always, that every such Party may also vote in right of his own Share, if he have any, as well as in the Character of Curator, Judicial Factor, Tutor, or Guardian.

Proprietors
in arrear not
to vote.

XLIX. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the Proprietors of the said Company, until the Money called for in respect of such Share shall have been fully paid.

Shares to be
transferable.

L. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and Administrators and Successors, to sell and dispose of any Shares to which they shall be entitled therein.

After a Call
made, no
Share to be
sold until the
Call is paid.

LI. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking upon which any Call shall have been made, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of such Share.

Receipt of
One Pro-
prietor of a
Share a suffi-
cient Dis-
charge.

LII. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company, or of his Mandatory, shall from Time to Time be a sufficient discharge to the said Company and Treasurer for any Dividends or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said

said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

LIII. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Tutor, Curator, or Guardian, (if any, or if not of the Parent of such Minor,) or of any Judicial Factor, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Receipt of a Tutor, Curator, Guardian, Parent, or Judicial Factor, a sufficient Discharge.

LIV. And be it further enacted, That when and so soon as the Sum of Twenty-five thousand Pounds in respect of Money authorized to be raised by Subscription, as herein-before mentioned, shall have been actually paid up for the Purposes of this Act, or at any Time after, it shall be lawful for the said Company, from Time to Time, by virtue of an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest, on the Credit of the said Undertaking, any Sum of Money not exceeding in the whole the Sum of Twenty thousand Pounds, either in anticipation of or in addition to the Capital hereby authorized to be raised in Shares as aforesaid; and the Directors of the said Company, after such Order, are hereby empowered to mortgage, assign, and convey the Property of the said Undertaking, and the Tolls, Stallage, Rents, Duties, and other Sums arising or to arise by virtue of this Act or any Part thereof, as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustees, Executors, Administrators, or Assigns; and a Copy of the Order of any General or Special General Meeting of the said Company, authorizing the borrowing of any such Sum of Money, certified by One Director and by the Secretary or Clerk of the said Company to be a true Copy, shall be sufficient Evidence of the making of the Order for raising such additional Sum as aforesaid.

Power to borrow Money.

LV. And be it further enacted, That in case any Banking Company or Person shall agree to allow to the said Company, upon the Security of the said Undertaking, Tolls, Stallage, Rents, and Duties as aforesaid, a Credit to the Extent of the Sum of Twenty thousand Pounds, or any Part of such Sum, on a Cash Account, according to the Usage of Bankers in *Scotland*, to be operated upon by the Secretary or Treasurer or other Officer of the Company, as may be directed from Time to Time, by Drafts as is usual in such Cases, it shall be lawful for the said Company, by an Order to be made at any General or Special General Meeting thereof, to accept of such Credit, and thereupon the said Directors are hereby empowered to sign a Minute or Agreement to that Effect, and by an Instrument or Instruments in Writing duly stamped to mortgage, assign, and convey the Property of the said Company, and the Tolls, Stallage, Rents, Duties, and other Sums arising or to arise by virtue of this Act, or any Part thereof, as a Security for the Sums due from Time to Time under such Cash Credit, and the Interest thereof, to such Banking Company or Person: Provided always, that the total Sum due and owing by the said Company at any one Time for Money borrowed as herein-before authorized,

Power to establish a Cash Credit.

rized, and also upon such Cash Account, shall never together exceed the Sum of Twenty thousand Pounds, nor shall any Sum of Money be taken up or borrowed upon such Cash Account until the Sum of Twenty-five thousand Pounds shall have been paid up in respect of the Money hereby authorized to be raised by Subscription as hereinbefore mentioned.

Power to increase Capital Stock by raising Amount by Shares.

LVI. And be it further enacted, That in case the said Company, at any Special Meeting to be called as by this Act is directed, at any Time after the said Sum of Fifty thousand Pounds shall have been paid up, instead of borrowing such further or additional Sum as aforesaid by way of Loan, or continuing the same on Loan, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Loan, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company by the issuing of new Shares to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Loan as aforesaid, shall not exceed such further and additional Sum of Twenty thousand Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Times, and the Amount of such Calls respectively, shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein contained in relation to the Calls for the Capital Stock of the said Company, and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Interest of Money borrowed to be paid in preference to Dividends.

LVII. And be it further enacted, That the Interest of the Money which shall be raised on the Credit of the said Undertaking, Tolls, Stallage, Rents, and Duties as aforesaid, shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company, or any of them; and in case such Interest, or any Part thereof, shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall

have been made to the said Company, it shall be lawful for the Sheriff of the County of *Aberdeen*, and he is hereby empowered, on Request to him made by or on behalf of the Person or Corporation whose Interest shall be so in arrear; by an Order under his Hand, after hearing Parties, to appoint some Person to receive the Whole or such Part of the said Tolls, Stallage, Rents, Duties, or Sums as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due; until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any competent Court.

LVIII. Provided always, and be it further enacted, That no Creditor under this Act shall, by reason of his being such, be deemed a Proprietor of any Share, or be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company. Creditors not to be deemed Proprietors.

LIX. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid, at the Time or Times so to be fixed, to the Party who shall upon the Expiration of such Period or Periods be the Holder of the Security for the same, or his Representative or Assignee. Company may stipulate Periods for Repayment of Loans.

LX. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Security may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Security, upon giving Six Months Notice in Writing to the Secretary or Clerk of the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Securities in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Months Notice to the Parties holding such Securities, or in the *London* and *Edinburgh* Gazettes, or in One or more Newspapers published in the City of *Aberdeen*; and at the Expiration of the said Six Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, fail in Payment thereof in pursuance of such Notice. As to paying off Loans when no Period is stipulated.

LXI. And

For securing
Repayment
of Principal
Money bor-
rowed.

LXI. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured to any Creditor as aforesaid by virtue of this Act, or of any Part of such Principal Sum, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for the Sheriff of the County of *Aberdeen*, and he is hereby empowered, on Request to him made by or on behalf of any One or more of the Parties entitled to any such Security as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Eight thousand Pounds, by an Order under his Hand, after hearing Parties, to appoint some Person to receive the Whole or such Part of the said Tolls, Stallage, Rents, Duties, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid, and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Tolls, Stallage, Rents, Duties, or Sums, and all Interest due thereon, shall be fully paid and satisfied; and after such Principal, Interest, and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any competent Court.

In case
Loans are
paid off, the
Company
may raise
the Amount
again.

LXII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow more than the Sum of Twenty thousand Pounds in the whole at any one Time, over and above the Amount of the Calls for the Time being remaining unpaid and still to be called for by the said Company.

No Prefer-
ence to be
allowed
amongst
Creditors.

LXIII. And be it further enacted, That Persons lending Money under this Act shall be entitled one with the other to their respective Proportions of the said Tolls, Stallage, Rents, Duties, and Sums, and Premises, according to the respective Sums lent or advanced by them respectively, without any Preference by reason of Priority of the Date of any such Order of Meeting, or Priority of Date of any Security held by them respectively, or on any other Account whatsoever.

Application
of Money to
be raised.

LXIV. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied,
in

in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in and towards purchasing Lands, and making and maintaining the said Market and other Works, and in otherwise carrying this Act into execution.

LXV. And be it further enacted, That there shall be a yearly General Meeting of the said Company on *Wednesday* in the first Week of the Month of *October* in each and every Year, or within the Space of Twenty Days next after such Period, (the first of such yearly Meetings being held in the Month of *October* One thousand eight hundred and forty,) and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors in manner herein-after provided, of which said General Meetings and Special General Meetings Seven Days public Notice at the least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called; and such First General Meeting, and such yearly General Meetings and Special General Meetings, may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and at all such Meetings of the said Proprietors to be held as aforesaid the Proprietors then present, not being fewer than Ten in Number, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Proprietors a sufficient Number of the said Proprietors to act or to adjourn, (Ten Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Five Proprietors being hereby declared sufficient for the Purpose of Adjournment only,) then and so often as the Case may happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the same ought to have been held as aforesaid.

First and other General Meetings of the Company.

LXVI. And be it further enacted, That in case any Ten or more of the said Proprietors, being jointly possessed of or entitled to Five thousand or more Shares in the said Undertaking, and who shall each of them have been a Proprietor of the said Company for at least Six Months, shall think fit that a Special Meeting of the said Proprietors should be holden, then it shall be lawful for them to call a Special Meeting of the said Proprietors, to be held at such Hour and Place within the said City of *Aberdeen* as they shall think fit, provided Fourteen Days Notice of the Time and Place and Purport of such Special Meeting be given by the Persons calling the same by Advertisement in Two Newspapers published in *Aberdeen*, and by leaving Notice thereof in Writing at the Office of the said Company for the like Number of Days, such Notice to specify the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the said Meeting shall be held; and at such Special Meeting it shall be lawful for the Proprietors then present,

A certain Number of Proprietors may call a Special Meeting.

or the Majority of them, to proceed to transact the Business specified in the Notice for which such Special Meeting shall have been called, and no other.

Business at
Special and
Adjourned
General
Meetings.

LXVII. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of
Meetings
how to be
given.

LXVIII. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any other Matters, to any of the Proprietors of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman, or any Two of the Directors of the said Company, and shall be given by Advertisements inserted in Two or more *Aberdeen* Newspapers; and all such Notices, when published and given, shall be deemed and considered the same as if personally served; and all Notices by this Act authorized to be left at the Place of Abode of any Proprietor may be so left at the Place or Residence as of which he may be described in the Books of the said Company; and any Proprietor may have full Liberty, at all reasonable Times, without Fee or Reward, to inspect and ascertain that his proper Residence is there inserted, and in the event of its not being so, or of any Change of Residence taking place, the Secretary or Clerk of the said Company shall, on Notice thereof from such Proprietor, make such Alteration in the said Books as may be requisite.

At Meetings
of the Com-
pany one
of the Direc-
tors to pre-
side, if any
one present,
and Chair-
man to have
casting Vote.

LXIX. And be it further enacted, That at all General and Special General Meetings of the said Company one of the Directors then present shall preside as Chairman, and in case no Director shall be present then one of the Proprietors to be elected by the Meeting; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

First Gene-
ral Meeting
to choose
Directors.

LXX. And be it further enacted, That at the first annual General Meeting to be held as herein-before is mentioned in the Month of *October* One thousand eight hundred and forty, or at some Meeting to be held by Adjournment therefrom, Twenty-one Persons who shall be Proprietors, and respectively possessed in their own Right of Fifty Shares in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the Proprietors present at such Meeting, either personally or by Proxy, and of the Directors so elected as aforesaid Five shall be a Quorum; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be Directors until others shall be elected in their Stead in pursuance of this Act; and

and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

LXXI. And be it further enacted, That at the General Meeting to be held in the Month of *October* which will be in the Year of our Lord One thousand eight hundred and forty-one, One Third of the Directors who shall have been so elected as aforesaid (to be determined among themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors, and respectively possessed in their own Right of Fifty Shares at the least of the said Undertaking, shall be elected by the said Company to be Directors in their Place and Stead; and at a General Meeting to be held in the Month of *October* which will be in the Year of our Lord One thousand eight hundred and forty-two, One Half of the remaining Directors who shall have been so elected at the annual General Meeting in One thousand eight hundred and forty (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at a General Meeting to be held in the Month of *October* which will be in the Year of our Lord One thousand eight hundred and forty-three, the remaining Directors who shall have been so elected in One thousand eight hundred and forty shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at a General Meeting to be held in the Month of *October* in every subsequent Year One Third of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors to go out annually by Rotation.

LXXII. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

Directors going out of Office to be re-eligible.

LXXIII. And be it further enacted, That when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be a Director, and every such Proprietor so elected to fill up any such Vacancy shall be a Member of the same Board of Directors, and shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

For supplying Vacancies among Directors.

LXXIV. And be it further enacted, That all the Powers and Authorities hereby given to and vested in the Directors for the Time being of the said Company shall and may, at all Times and in all

Powers of this Act may be exercised by Five Cases, Directors.

Cases, and for all Constructions and Purposes, be exercised by any Five or more of the said Directors.

Directors
interested
not to vote.

LXXV. Provided always, and be it further enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be or become a Dealer, either directly or indirectly, in any Article to be used or provided by the said Company, or shall offer to take or participate in any Work to be done for the said Company, or be concerned or interested in any Contract or Contracts under the said Company, every such Proprietor shall be disqualified to vote in any Matters or Questions to be discussed or argued by the said Directors wherein he shall be, directly or otherwise, interested further than as a Proprietor, and shall also, on sufficient Proof of his so voting, forfeit and pay for every such Offence the Sum of Five hundred Pounds.

First Direc-
tors of the
Company.

LXXVI. And be it further enacted, That *Alexander Bannerman M.P., James Hadden of Persley, Convener Topp, Robert Catto Merchant, Clements Lumsden Advocate, Henry Paterson Banker, David Blaikie of Kimmundy, Alexander Hadden Manufacturer, Leslie Cruickshank Merchant, Thomas Best Merchant, Alexander Taylor Merchant, Alexander Smith of Glenmillan, James Hadden junior, Manufacturer, Peter Williamson Druggist, Robert Shand Advocate, John Maitland Merchant, David Souter Druggist, Robert Johnson Merchant, Alexander Chivers Banker, Alexander Jopp Advocate, Alexander Simpson Merchant, William Clyne Leather Merchant, Newell Burnett Advocate, George Lyall Merchant, Arthur Thomson Banker, Gavin Hadden junior, Manufacturer, William Fraser Merchant, James Murray Advocate, James Kilgour of Bethelnie, George Collie Merchant, David Chalmers of Westburn, Thomas M'Combie of Richmond Hill, David Gill Watchmaker, John Whyte Merchant, William Adam Advocate, and Alexander Anderson Advocate*, and the Survivors and Survivor of them, or such of them as shall continue to act, shall be the first Directors of the said Company, and shall continue in Office until the first annual General Meeting of the said Company to be held in pursuance of this Act in the Month of *October* One thousand eight hundred and forty; and they the said Directors herein-before named shall and they are hereby required to fix the Time of such Meeting, within the Limit herein-before prescribed, and to give Notice thereof in manner herein-before provided with respect to General Meetings of the said Company; and until such first annual General Meeting shall be holden, and such Directors shall have been duly elected, as herein-before prescribed, the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking as to the said Directors shall seem fit, and shall and may exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the Directors who shall be elected in pursuance hereof at the first or any subsequent annual General Meeting of the said Company.

LXXVII. And

LXXVII. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and have Power to use the Common Seal of the said Company on their Behalf, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, or to the Rates to be charged as after mentioned, which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company, and allow to them such Salaries, Gratuities, and Recompences as to the said Directors shall seem proper; and the said Directors shall hold stated weekly Meetings in *Aberdeen*, and shall also have Authority to meet and adjourn from Time to Time and from Place to Place as they shall think proper, and there shall be Five Directors at the least present in order to constitute a Meeting, and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present, and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, unless he be the Chairman of such Meeting, in which Case he shall, if there shall happen to be an equal Division, always have an additional or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors; and the said Directors shall also keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person, on any Account, for the Use of the said Company; and shall regularly enter into some Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of such Appointments, Receipts, and Disbursements, and of all Contracts and Bargains entered into or made by them, and of other their Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company: Provided also, that the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or Officer of the said Company who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Powers and
Duties of
Directors.

Treasurer,
&c. to give
Security.

LXXVIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint out of their own Body a Committee or Committees, who shall have full

Directors
may appoint
Committees.

[*Local.*]

18 X

Power

Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Surveyors, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors shall from Time to Time think proper to intrust to the Care and Management of such Committee or Committees (save and except nevertheless the making Calls for Money upon the Proprietors of the said Undertaking); and such Committees respectively shall have Power to meet from Time to Time and to adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested in or which shall by the said Directors be confided to any such Committee within the Intent and Meaning of this Act shall and may be exercised by Three of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Members present, and the Chairman shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any subject entertained by the said Committee shall have an additional or casting Vote.

Contracts signed by Three Directors to be binding.

LXXIX. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company which shall be signed by any Three of the Directors of the said Company shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or any of the other Parties thereto failing in the Execution thereof.

Orders to be entered in a Book, and signed by the Chairman.

LXXX. And be it further enacted, That all Acts, Orders, Resolutions, and Proceedings of all Meetings, as well General and Special, of the said Company, and of the said Directors and Committees of the said Company, shall from Time to Time be fairly written and entered in a proper Book or Books to be kept for that Purpose, and shall be signed by the Chairman of such respective Meetings, and such Book or Books, so signed, shall be deposited with the Clerk to the said Company for the Time being; and all such Entries therein, being so signed, shall be deemed and taken to be Originals, and the same, or true Copies thereof, shall be admitted to be read in Evidence in all Courts whatsoever in the Causes, Suits, and Actions touching any thing to be done in pursuance and under the Authority of this Act; and the said Book or Books shall be open to the Inspection of the said Company or any of them, at all reasonable Times, without Fee or Reward.

Directors to cause Accounts to be kept.

LXXXI. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such

such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times, during Fourteen Days previous to the First Day of *November* in each Year, be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward; and the said Loan Creditors, or any of them, may take Copies of or Extracts from the said Book, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Loan Creditors, or any of them, to inspect such Book, or take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds.

LXXXII. Provided always, and be it further enacted, That it shall not be lawful for the said Company or their Directors to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner 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 the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or other Person or Persons in the Service or Employ of such Treasurer or of his or their Partner or Partners, the Clerk or Clerks of the said Company; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner 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 his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy to the Treasurer, or in any Manner officiate for the Treasurer or Treasurers, or the Clerk or Partner or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate as such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Same Person
not to be
Clerk and
Treasurer.

LXXXIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors of the said Company, make out and deliver to them, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Accounts shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with 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 Account shall appear to be owing from him, to the said Directors or the said Company, or to such Persons as the said Directors or Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to

Officers to
account.

render

render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or the said Company, or to such Persons as they shall appoint, within Three Days after being thereunto required by the said Directors or Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the said Company, then and in every such Case, Complaint being made thereof by the said Directors or the Company, or by any other Person on their Behalf, to the Sheriff of the said County of *Aberdeen*, or to any of the Magistrates of the City of *Aberdeen*, or any Justice of the Peace in and for the City or County of *Aberdeen*, or in and for any other Place wherein such Officer or Person so neglecting or refusing shall be or reside, the said Sheriff, Magistrate, or Justice may and he is hereby required to grant Warrant for bringing such Officer or Person before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to adjust and declare the Balance on the said Account, if produced; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, or by Inspection of the said Account produced, it shall appear to the said Sheriff, Magistrate, or Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, the said Sheriff, Magistrate, or Justice may and he is hereby empowered, upon Nonpayment thereof, to grant Warrant for such Money, to be levied by Pounding and Sale of the Goods and Effects of such Officer or Person; and if sufficient Goods or Effects shall not be found to answer and satisfy the said Monies and the Expences of such Pounding and Sale, or if such Officer or Person shall not appear before the said Sheriff, Magistrate, or 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 Sheriff, Magistrate, or Justice such Account in Writing as aforesaid, or to produce and deliver to the said Sheriff, Magistrate, or Justice the several Vouchers and Receipts aforesaid relating to such Accounts, or deliver up such Books, Papers, and Writings, Property, Effects, Matters, and Things, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Sheriff, Magistrate, or Justice may grant Warrant for committing such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail until he shall have made out and delivered such an Account as shall be satisfactory to the said Sheriff, Magistrate, or Justice, and have delivered up the said Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings, Property, Effects, Matters, and Things (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Pounding and Sale, or until he shall have compounded with the said Directors or the said Company for such Money and Charges, and have paid the Composition Money to them (and which
Composition

Composition the said Directors or Company are hereby empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings; Property, Effects, Matters, and Things, to the said Directors or Company: Provided always, that no Person who shall be committed as aforesaid, shall be detained in Prison for any longer Space of Time than Three Months.

LXXXIV. And be it further enacted, That it shall be lawful for the said Company or their Directors for the Time being, and they are hereby authorized and empowered, so soon as they shall have completed the Purchase of the Lands and other Heritages hereby authorized to be purchased and taken as aforesaid, and comprised in the said First Schedule to this Act, and from Time to Time after the Purchase of any other Lands or Heritages hereby authorized to be purchased, or such Part thereof as may be required for the Purposes aforesaid, to take down or alter all or any Part of the Houses, Offices, Shops, Buildings, and Heritages so to be purchased as aforesaid, and to appropriate all or any of the Ground or Site thereof respectively for the Purposes of this Act, and to make, erect, and build thereon a Market House or Market Houses, and to open and establish a Market thereon for the Sale of all Kinds of Articles of Provision, Commodities, Goods, Wares, and Merchandize, and also to make, erect, and build other Conveniences for the Purposes aforesaid, and for carrying on the said Market, together with such other Houses, Coach-houses, Stabling, and other Buildings, on any Part of the said Site as may be deemed necessary or expedient, and also to form and make such Vaults and Cellars, and to erect and make such Reservoirs and Cisterns for the Purpose of holding Water for the Supply of the said Market, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Market, Buildings, and Heritages, and such Repairs, Amendments, or Alterations of or in the said Shops, Erections, and Buildings for the Time being thereon, and of or in the Vaults and Cellars for the Time being under the same, and of or in the Reservoirs and Cisterns for the Time being upon or under the same, and generally from Time to Time to do and perform all such other Acts, Deeds, and Things as shall appear to the said Company or the Directors thereof to be necessary, proper, or advisable for the Establishment of the said Market, and for the Preservation, Support, and Continuance thereof.

Power to take down Houses and build Market Houses, &c.

LXXXV. And be it further enacted, That in erecting the several Buildings herein-before authorized to be erected it shall be lawful for the said Company, with the Concurrence of the Sheriff of the County of *Aberdeen*, and of the Commissioners of Police for the Time being, to build on so much and such Parts as they shall see fit of the several Streets, Lanes, and Thoroughfares called respectively *Putachieside*, *Adelphi Lane*, *Trinity Corner*, *Trinity Lane*, *Trinity Street*, *Ship Row*, *Maltmill Bridge*, *Carmelite Lane*, *Carmelite Street*, *Fisher Row*, the *Green*, and *Fowler's Wynd*, as abut upon or are bounded by and included between any of the Lands or Heritages included or mentioned in the First Schedule to this Act, and thereby to stop up the Way and Passage of the said Streets, Lanes, and Thoroughfares: Provided

Power to stop up certain existing Thoroughfares.

[Local.]

18 Y

always,

always, that the said Company do leave or make a Thoroughfare as wide and commodious as the one now existing from the *Green* by *Fisher's Row*, *Maltmill Bridge*, *Trinity Corner*, and *Ship Row*, in the same Line as at present, or as near thereto as conveniently may be, and do leave the Accesses towards the Harbour by *Carmelite Street* and *Carmelite Lane* as wide and commodious as at present, and also that the said Company do leave the present Thoroughfare from the Street or Lane called the *Green*, under the now existing Bridge or Archway over *Putachieside*, leading to the Street called the *Nether-kirkgate*, and do not in any way diminish the Width of the said Thoroughfare, or of the said Street or Lane, or of the said Bridge or Archway, and also do in all Time coming, at the said Company's Expence, light or cause to be lighted with Gas, during Night and Day, the whole of the said Archways, as well those now erected as those to be erected and built under or by virtue hereof, and any other Public Street or Passage the Light of which may be taken away or materially impaired by the Operations of the said Company; the whole of the said Lighting to be done to the Satisfaction of the Commissioners of Police for the said City of *Aberdeen*.

Streets, &c. not required for new Carriageways, &c. to be vested in the Company.

LXXXVI. And be it further enacted, That all such Parts of the said Streets, Lanes, or Thoroughfares as shall not be required, in effecting the Alterations and Improvements aforesaid, for the Purpose of a Carriage, Horse, or Foot Way, shall belong to and be vested in the said Company for the Purposes of this Act.

Power to make new Approaches to the Market.

LXXXVII. And be it further enacted, That in making convenient and suitable Approaches to the said intended Market it shall be lawful for the said Company and they are hereby authorized and required to design, lay out, widen, open, and make, or cause to be designed, laid out, widened, opened, and made, a spacious and convenient Street or Way, to commence from the Level of *Union Street* at an open Space now existing between the Houses in *Union Street* belonging to *Gordon* (now known as *Machray's Hotel*) and *John Hay*, and to be bounded in part on the West Side thereof by the said intended Market, to proceed from *Union Street* aforesaid in a Southerly Direction to the Quay over the existing Street or Thoroughfare called *Putachieside*, and between, on, or over the Site of several of the Lands or Heritages mentioned in the First Schedule hereto, and also to make One or more Approach or Viaduct, Approaches or Viaducts, in or to the said intended Market, from *Union Street* aforesaid, over that Part of the said Street or Thoroughfare called the *Green*, lying between *Correction Wynd* and *Putachieside*.

Streets may be raised or lowered.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to raise or lower, or cause to be raised or lowered, the Ground of the Streets and Ways to be made, widened, enlarged, altered, and improved as aforesaid, or any Part thereof respectively as they shall judge necessary; provided the said Company shall previously obtain the Consent of the Board of Police for the Time being of the said City of *Aberdeen*.

LXXXIX. And

LXXXIX. And be it further enacted, That the Directors of the said Company shall, at the sole Expence of the said Company, at any Time after the said several Streets or Thoroughfares so to be made; widened, and altered as aforesaid shall be completed, when thereunto required by the Commissioners of Police for the Time being of the said City, well and effectually pave over as well the Foot Pavement as the Carriageway of the said Streets or Thoroughfares with a sufficient Quantity of Materials of proper Quality and Dimensions, and also relay and repair all and every Part of the Streets, Lanes, and Thoroughfares which shall be disturbed or altered in carrying into execution the Works authorized by this Act; and also, with the Approbation of the said Sheriff, and to the Satisfaction of the said Commissioners, raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellar Windows, and Watercourses, Pipes or Spouts, belonging to any of the Houses, and also the Mains and the Leaden or other Pipes which, for the Purpose of conveying Water or Gas to any House or other Place, shall be laid into or from any Main or Pipe laid down by the said Commissioners or any Company for the Purpose of furnishing the Inhabitants with Water or Gas, the whole of such paving, repairing, and altering to be done and completed to the entire Satisfaction of the said Commissioners, or of their Inspector or Inspectors for the Time being, or such other Person as the said Commissioners may appoint: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to charge the said Company with repairing or making good such Pavement in future, but that from and after the making, widening, and altering of the said several Streets or Thoroughfares, and the paving, relaying, and repairing thereof as aforesaid, the same, and all the Land which shall be laid open into the same, shall for ever thereafter be deemed public Streets and Highways, and shall be paved, kept in repair, and lighted in the same Manner, and out of the same Funds and Rates, as the other public Streets and Highways within the same Ward in the said City and Borough of *Aberdeen*, and that the Right and Property of all Pavements and Stones so to be laid as aforesaid shall belong to and be the Property of the said Ward or of the said Commissioners, or other the Persons entitled thereto, in the same Manner as Things of the like Description in other Parts of the said Ward are now vested by Law.

New Streets to be paved by the Company.

XC. Provided always, and be it further enacted, That if any of the Lands or Heritages which are mentioned and specified in this Act, or in the First Schedule thereto annexed, or any of the Persons or Corporations in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same were more properly and correctly named and described; provided it shall be made appear to the Sheriff of the County of *Aberdeen* aforesaid,

Error in Description of Houses, &c. to be purchased not to prevent the Execution of the Act.

said, and be certified by Writing under his Hand, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands or Heritages had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Compensation to be made for Damages in pulling down Houses, &c.

XCI. Provided always, and be it further enacted, That in case any Houses or Buildings, Lands, Tenements, or Heritages, shall be damaged or injured by or in the taking down of any of the Houses or Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Company by their said Directors shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Houses and Buildings, Lands, Tenements, and Heritages so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Directors shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Directors not sufficient, then the same shall be ascertained and settled by a Jury in manner herein-before provided for ascertaining the Value of the Houses, Lands, and Heritages to be purchased, taken, and used for the Purposes of this Act.

Company may contract for Works.

XCII. And be it further enacted, That it shall be lawful for the said Company or their Directors to contract and agree with any Persons for making and completing the said intended Market and Buildings, and to contract with such Persons for providing proper Materials for all or any of the Purposes aforesaid, or for doing any of the Works hereby authorized; and all Contracts and Agreements made or entered into by and between the said Company or their Directors and any other Persons whomsoever, relating to any Act, Matter, or Thing to be done or performed in the Execution of any of the Powers of this Act, shall be reduced or put into Writing, and signed by the Parties thereto, and shall specify the Work to be done, the Prices to be paid, the Term within which the same shall be completed, the Quality of the Materials to be used, and the Penalties for Nonperformance thereof, and such other Things as the said Company or their Directors shall think proper; and the said Company or their Directors may take such Security for the Performance of such Contracts as to them shall seem necessary.

Company may purchase or take on Lease Lands for the Market.

XCIII. And be it further enacted, That the said Company shall have full Power and Authority, with the Consent of a General or Special General Meeting of the said Company, to be signified by a Resolution of said Meeting, from Time to Time to purchase, feu, or take on Lease any Buildings, Lands, or other Property, from any Person or Persons who may be willing to dispose of the same, for the Purposes of said Market, and particularly for a Slaughter Market, either in the Situation where such Slaughter Market has already been established and is now used, or in such other Situation as may be approved of by the Magistrates and Council and the Commissioners of Police of the City of *Aberdeen*, and for such Purposes to enter into all Contracts, Conveyances, Deeds, and Writings as may be found necessary;

sary; and the said Company may also, at their own Expence, erect and build upon or contract for the Erection upon such Lands to be acquired as aforesaid of such Buildings for the Use of said Company as to them shall seem meet and desirable, and to sell again, feu, or dispose of the same from Time to Time as they may think proper, and again from Time to Time to purchase, feu, and lease other Buildings or Lands for the like Purpose, and again to erect and build thereon as aforesaid, and to execute all proper Deeds and Conveyances respecting the same, as the said Company shall deem advisable and expedient.

XCIV. And be it further enacted, That it shall be lawful for the said Company or their said Directors, and they are hereby authorized and empowered, to sell, feu, or otherwise dispose of such Part or Parts of the said Lands or Heritages to be vested in them by virtue or in pursuance of this Act as shall not be necessary or wanted for the Purposes of the said Market or the Approaches thereto, to any Person or Persons willing to contract or agree for the same, and to make, execute, and subscribe such Charters, Dispositions, Leases, Tacks, or other Deeds in favour of the Purchasers, Feuars, Tacksmen, or Lessees of the said Lands as may be requisite and proper, and the Money arising or from Time to Time to arise therefrom shall be paid and applied for the Purposes of this Act.

Power to dispose of Premises not wanted for the Purposes of the Market.

XCV. And be it further enacted, That the said Company, before they shall dispose of any such Lands, shall first offer to sell the same to the Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, and who shall be conveniently to be found and capable of entering into a Contract for the Purchase thereof, and all Persons and Corporations hereby capacitated to sell in like Manner shall be and are hereby capacitated to purchase of the said Company; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Company in Writing, within Ten Days after such Offer of Sale shall have been made by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case such Persons shall decline or neglect to avail themselves of such Offer, or shall neglect so to signify their Desire and Intention to purchase such Lands for the Space of Ten Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and a Declaration made before the Sheriff, or a Justice of the Peace having Jurisdiction within the said Town of *Aberdeen*, by some Person not interested in the said Lands, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and was refused or was not accepted (or agreed to, as the Case may be) by the Person to whom the same was made, within Ten Days from the Time of making the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof of the Facts therein stated; and in case such Persons shall be desirous of purchasing the same, and he

First Offer to whom to be made.

and the said Company shall not agree with respect to the Price thereof, then the Price shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Lands to be taken by the said Company; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company as aforesaid, *mutatis mutandis*; and the Monies produced by the Sale which may be made by the said Company of any such Lands as aforesaid shall be applied to any of the Purposes to which the Funds of the said Company shall from Time to Time be by Law applicable.

Power to hold
Market and
take Tolls.

XCVI. And be it further enacted, That as soon as the said Market, Market House or Market Houses, Shops, and other Buildings, or any Part of the same, shall be erected, made, and completed, and open for public Use, it shall be lawful for the said Company, or the Directors thereof for the Time being, to have, hold, and keep the said Market, and to use the said Shops and other Erections and Buildings for the Purposes aforesaid, from thenceforth for ever, upon every lawful Day in the Year, and also, by themselves, or any of their Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take, of and from all Persons who shall rent, hire, or use any Stall or Standing Place in any Part of the said Market, the several Rents, Tolls, Stallages, or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Company or by their Directors to be paid for the same, and that in advance, or otherwise, as to the Directors shall appear proper, according to but not exceeding the several Rents, Tolls, Stallages, or Sum or Sums of Money mentioned and specified in the Second Schedule to this Act annexed.

Live Cattle,
&c. not to
be sold or
slaughtered
in the Mar-
ket.

XCVII. And be it further enacted, That the said Market shall not be a Market for the Sale of Neat or Live Cattle, Horses, Mules, Sheep, Lambs, Calves, Hogs, or Pigs, and that no Neat Cattle, Sheep, Lambs, Calves, Hogs, or Pigs shall be sold in the said Market, nor shall it be in the Power of the said Market Company to convert any Part thereof into a Slaughter Market: Provided always, that nothing in this Clause contained shall extend or be construed to extend to interfere with the Right of the said Company to establish a Slaughter Market, with the Consent of the Magistrates and Council and Commissioners of Police, under the Power for that Purpose herein-before contained.

Directors
authorized to
let Shops,
&c.

XCVIII. And be it further enacted, That it shall be lawful for the said Directors for the Time being, and they are hereby authorized and empowered, to let any of the Shops, Buildings, Vaults, Stands, Stalls, Benches, Hangings for Meat, Cellars, or other Conveniences, to be erected, built, or made within the said Market, and on the Ground to be so purchased as aforesaid, with the Appurtenances, to any Person or Persons who shall be desirous of taking the same, by the Year or for any shorter Period, and at such Rents as the said Company or their Directors shall think fit.

Leases not to
be assigned
without the

XCIX. Provided always, and be it further enacted, That no Lease of the said hereby authorized Market or Tolls shall at any Time be assigned,

assigned, nor any Stall, Standing Place, or other Conveniency, whether let by the Day only, or for any longer Period, underlet, or in any Manner conveyed or assigned, without the Consent in Writing of the said Company or their Directors; and if any Lessee or Assignee, Lessees or Assignees of any Lease, or if any Person or Persons having any Interest in any such Stall, Standing Place, or other Conveniency as aforesaid, shall, at any Time during his, her, or their Interest or Interests therein, set, let, underlet, demise, or assign, or otherwise part with the Possession of such Stall, Standing Place, or other Conveniency, then the Interest of the Person or Persons so setting, letting, underletting, demising, assigning, and parting with the Possession of the same therein shall, at the Will and Pleasure of the said Company or their Directors, be utterly void, frustrate, and of no Effect, and the said Company or their Directors, or any Person or Persons duly authorized by them, shall and may thereupon enter upon the said demised Premises, and such Stall, Standing Place, or other Conveniency, and let the same to any other Person or Persons whomsoever; and in case the Farmer, Lessee, or Assignee, Lessees or Assignees of, or Person or Persons having had such Interest in, any such Stall, Standing Place or other Conveniency, or any Persons or Person claiming under him, her, or them, shall in any such Case as aforesaid refuse to quit the same, he, she, or they shall and may, upon Complaint made to the Sheriff of the said County of *Aberdeen*, or to the Magistrates of the said City of *Aberdeen*, or any of them, or any Justice of the Peace in or for the City or County of *Aberdeen*, who is and are hereby empowered and directed to inquire into the Matter, be removed by such Sheriff, Magistrate, or Justice therefrom, by Warrant under his Hand.

C. And be it further enacted, That when any Person or Persons who may have hired any Stand whatever, for a Day or otherwise, shall leave such Stand, then the same may (subject to the Right of such Person or Persons to re-occupy the same for the Time of the Hiring) be taken possession of by the said Company or their Directors, or their Lessee or Lessees, and be let and disposed of in such Manner and on such Terms as they shall think fit, so that no greater Rent be taken for any of such Standings on any such reletting than as specified in the said Schedule.

CI. And be it further enacted, That the said Company or their Directors shall set up and maintain, or cause to be set up and maintained, in some conspicuous Part of the said Market, a Table of the Tolls and Stallage to be taken by virtue of this Act; and in case any Person holding, using, or in any Manner occupying any of the Standings or Stalls, or otherwise becoming indebted to the said Company for any of the Sums of Money, Tolls, Stallage, and Dues by this Act to be paid, shall refuse to pay or evade the Payment of the said several Sums of Money, Tolls, Stallage, and Dues, or any Part thereof, then and in such Case, and as often as it shall so happen, it shall be lawful for the said Company and their Directors, or the Person or Persons to be appointed to receive such Tolls, Stallage, and Dues, to levy and recover the same by Poinding and immediate Sale of all or a sufficient Part of any Meat, Game, Poultry, Vegetables, Fruit, Flowers, Hay, Straw,

Straw, Malt, Meal, Hops, Grain, Goods, or Articles found in the said Market or in the Shops or other Buildings, and belonging to the Person or Persons so refusing, rendering the Overplus (if any) which shall remain after Payment of the said Sums of Money, Tolls, Stallages, and Dues, and the reasonable Costs, Charges, and Expences of such Pounding and Sale, to the Person or Persons whose Property such Provisions, Goods, Chattels, or other Things were at the Time of such Pounding; and in case any Difference shall arise between the Parties concerning such Costs, Charges, and Expences, the same shall be finally settled by the Sheriff of the County of *Aberdeen* aforesaid, by any One of the Magistrates of the said City of *Aberdeen*, or any Justice of the Peace in or for the said City or County of *Aberdeen*, upon Application made to him for that Purpose within Ten Days next after the said Pounding and Sale: Provided always, that the said Company and their Directors, or their Servant or Servants, shall not have the Power to levy, receive, and take, by Pounding or otherwise, the several Tolls, Stallage, Dues, or Sums of Money, or any Part thereof, to be taken by virtue of this Act, unless a Table of such Tolls, Stallage, or Dues shall be affixed, set up, and maintained in some conspicuous Place in the said Market: Provided also, that any Person or Persons defacing, damaging, injuring, or destroying any such Table of the Tolls, Stallage, or Dues so to be taken as aforesaid shall forfeit and pay to the said Company for every such Offence such Sum of Money, not exceeding Five Pounds, as the said Sheriff, Magistrate, or Justice of the Peace shall in that Behalf direct.

Power to
make Rules
and Bye
Laws for the
Regulation of
the Market,
&c.

CII. And be it further enacted, That, for the better regulating and managing the said Market and Market Places and Buildings when made and established, it shall be lawful for the said Directors, and they are hereby authorized, from Time to Time to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as they shall think fit and necessary for the regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming and resorting, in all Matters which do or may concern or relate to the said Market and Buildings, and for preventing the Sale of or exposing to Sale any unwholesome Meat or other Provisions in such Market, and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Market, and also for the better ordering and regulating the Use of the said Buildings; and the said Directors may, from Time to Time as they shall think fit, repeal, alter, add to, or amend such Rules, Orders, and Regulations, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Orders, and Regulations, or any of them; provided always, that no pecuniary Penalty shall exceed the Sum of Forty Shillings for any One Offence; and such Rules, Orders, and Regulations shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, or to the Provisions of this Act, or at variance with any Rules, Orders, or Regulations which the Magistrates and Council or the Commissioners of Police of the said City of *Aberdeen* have already made, or shall or may at any Time or Times hereafter make, for the Regulation of the Police and Government of the said City; and all Persons so as aforesaid

said coming and resorting to the said Market and Buildings are hereby required to observe and keep such Rules, Orders, and Regulations, under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Orders, and Regulations shall be signed by any Three of the said Directors, and shall be legibly painted on Boards, which shall be put up or affixed in some conspicuous Place in the said Market, and shall from Time to Time be renewed and replaced when and as often as the same shall be altered, obliterated, or defaced, but no Rule, Order, or Regulation shall have any Force or Effect until Twenty-one Days next after the same shall have been affixed as aforesaid; and the said Rules, Orders, and Regulations, and any Alteration thereof, shall be subject to Appeal in manner herein-after mentioned; and no such Rules, Orders, and Bye Laws shall be of any Force or Effect until the same shall have been submitted to and approved of by the Sheriff of the said County of *Aberdeen*; and any Sheriff, Magistrate, or Justice before whom any Person offending against any such Rules, Orders, and Bye Laws may be brought or summoned shall have the Power of convicting for the Whole or any Part of the Penalty imposed by such Rules, Orders, and Bye Laws, as the Sheriff, Magistrate, or Justice may in his Discretion think proper, any thing in this Act, or in such Rules, Orders, and Bye Laws, to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall be held or construed to interfere with or abridge the Right of the Magistrates and Town Council, by themselves or their Officers, to inspect all Weights and Measures used in the said Market, or the Right of the said Magistrates and Council or the Commissioners of Police, by themselves or their Officers, to conduct and regulate the Police of the said Market, and to exercise all Acts of Jurisdiction within and over the said Market, in like Manner and to the same Extent as they exercise or might exercise the same in the several Markets now existing in the said City of *Aberdeen* and Liberties thereof.

Saving the Rights of Magistrates and Town Council and Commissioners of Police to inspect Weights and Measures, &c.

CIII. And be it further enacted, That from and after the opening of the Market, if any Person or Persons shall put, place, or leave any Waggon, Cart, or other Carriage, Stand, Stall, Stallboard, Form, Wheelbarrow, Handbarrow, Cask, Basket, Package, Hamper, or other Commodity, Article, Matter, or Thing whatsoever, in, upon, or over any of the Footpaths, Gangways, or Passages of or in the said Market, and shall not immediately remove and take away the same when required so to do by the said Company or their Directors, or their Tenant or Tenants, or any of their Agents or Servants, (whether the said Market shall be let or not,) and continue and keep the same so removed, or shall leave any empty or unladen Waggon, or empty or unladen Cart or other Carriage, empty Basket, empty Hamper, or empty Packing Case, of any Kind, upon any of the Stands in the said Market Place or Market Places, or shall place, pitch, or expose for Sale, sell or leave, any Commodity, Article, Matter, or Thing, or place or put or leave any Waggon, Cart, or other Carriage, Bulk, Basket, Package, Hamper, or other Thing, in, upon, or over any Part of the said Market Place or Market Places, contrary to the Provisions herein contained, or any Bye Law, Rule, or Regulation made in pursuance of this Act, or shall refuse to remove any Waggon,

Waggons, Carts, Packages, Fruit, &c. placed on Footpaths, &c. may be seized.

Cart, or other Carriage, Commodity, Article, Matter, or Thing, when required so to do as herein-before mentioned, it shall be lawful for the said Company or their Directors, or their Tenants, or any of their Agents or Servants, to seize, and for any Person whomsoever to be aiding and assisting in seizing, any such Waggon, Cart, or other Carriage, Bulk, Stand, Stall, Stallboard, Form, Wheelbarrow, Handbarrow, Cask, Basket, Package, Hamper, or other Commodity, Article, Matter, or Thing, together with the Horse or Horses to any such Waggon, Cart, or other Carriage belonging, and the Harness, Gears, and Accoutrements thereof, and to cause the same to be removed to some convenient and proper Place or Places, affixing a written or printed Notice, within One Hour after such Seizure, upon some conspicuous Place within the said Market Place where the same shall be seized, of the Place to which the Article so seized shall be removed, and the same shall be there kept and detained until the Costs, Charges, and Expences of removing and keeping the same, and of keeping such Horse or Horses (if any), shall be paid; and in case the same shall not be claimed, and the said Costs, Charges, and Expences paid, within Seven Days next after such Removal thereof, it shall be lawful for the said Company or their Directors, or their Tenants, or other Person or Persons acting under their Authority, (having affixed in some conspicuous Part of said Market Place One Day's previous Notice of their Intention so to do,) to cause the Article so seized as aforesaid to be sold for the best Price that can be got for the same; and the Overplus, if any, which shall remain after satisfying the Costs, Charges, and Expences of and attending such Seizure, Removal, Keeping, and Sale, shall be paid to the Owner, on Demand; reserving always the Rights of the said Magistrates and Council or Board of Police in respect of the now existing Market held in the Green in the said City of *Aberdeen*, with which the present Act shall in no way entitle the said Company to interfere.

Penalty for selling other Goods than those authorized to be sold, or at other Times or in other Places.

CIV. And be it further enacted, That if any Person (not being a Lessee authorized so to do, his Executors, Administrators, or Assigns,) shall sell or expose for Sale in the said Market any Article or Thing which shall not for the Time be saleable therein according to the Provisions of this Act, or shall sell or expose for Sale in the said Market any Article or Thing at any other Time or in any other Part of the said Market than that appointed by the said Company or their Directors for the Sale of such Article or Thing, every Person so offending shall for every such Offence forfeit and pay by way of Penalty any Sum not exceeding Forty Shillings.

Penalty for injuring Buildings.

CV. And be it further enacted, That if any Person shall take away, remove, destroy, deface, injure, or pull up any Erection, Building, Fountain, Cistern, Well, Fence, Pier, Pillar, Post, Rail, Pump, Pipe, or Pavement, or wilfully break or injure any Lamp or Window in the said Market or other Erections, or any Board, Notice, or Inscription fixed or put up therein by the Order of the said Company for giving Publicity to the Rules, Orders, and Bye Laws to be made in pursuance of this Act, every Person so offending shall forfeit and pay to the said Company for every such Offence such Sum of Money,

Money, not exceeding Forty Shillings, as the Sheriff of the said County of *Aberdeen*, or any One of the Magistrates of *Aberdeen*, shall in that Behalf direct, and also such further Sum of Money as a Compensation for the Damage and Costs which shall have been occasioned by such Offence as such Sheriff or Magistrate shall in that Behalf award.

CVI. Provided always, and be it further enacted, That no Fat or other Substance shall be melted in the said Market, or in any of the Buildings or Appurtenances thereunto belonging, so as to cause any Nuisance or Annoyance to any of the Tenants of the said Market, or to any Person living in the Neighbourhood thereof; and every Person who shall melt or cause any such Fat or other Substance to be melted, contrary to the true Intent and Meaning of this Clause, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

No Fat to be melted in the Market.

CVII. And be it further enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the said Company, or any Person aggrieved by any Act of the said Company, or by the Procurator Fiscal, or by the Inspector or Superintendent of Police of the City of *Aberdeen*, and be adjudged and recovered by and under the Authority of any Sheriff, Magistrate, or Justice of Peace having Jurisdiction over the Party complained of; and it shall be lawful for the said Sheriff, Magistrate, or Justice, on Complaint made to him by the said Company or other Party aforesaid of any Offence against this Act, and he is hereby required, to grant Warrant to summon the offending Party before him, and upon Proof of such Offence, by voluntary Confession, or by the Oath of One or more credible Witness or Witnesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence, and where the Sheriff, Magistrate, or Justice shall find the Complaint relevant and proven he shall find the Penalty due; and so soon as the Penalty has been found due, and its Amount fixed, the Sheriff, Magistrate, or Justice shall decern for the Amount, with the Expences of Suit, in favour of the said Company or Person to whom the same is or shall be payable; provided always, that all pecuniary Fines and Penalties recovered from Delinquents prosecuted under this Act shall be paid to the Treasurer of the said Commissioners of Police, or to the Magistrates, in the same Way and for the same Purposes as is provided by the said Police Act in all Cases in which Fines and Penalties are under the said Police Act payable to the said Treasurer or Magistrates, and in other Cases; and where there is no special Provision in this Act or in the said Police Act as to the Person to whom any such Penalty shall be due and payable, the Sheriff, Magistrate, or Justice shall have Power to find the Whole or any Part thereof due to the said Company or Person suing for the same, or the Whole or any Part thereof due to any other Person aggrieved, or the Whole or any Part thereof due to the Poor of the Parish in which the Offence was committed; and the Sheriff, Magistrate, or Justice shall, at the same Time

How Forfeitures and Penalties are to be recovered.

Time that he finds the Penalty due and decerns for the Amount and Expences, grant Warrant for the Recovery thereof by Poinding and Sale of the Goods and Effects of the Offender; and in case such Fines, Penalties, or Forfeitures shall not be forthwith paid it shall be lawful for such Sheriff, Magistrate, or Justice, and he is hereby required, to order the Offender so convicted to be detained in safe Custody till Return can conveniently be made to such Warrant, unless such Offender shall give sufficient Security, to the Satisfaction of such Sheriff, Magistrate, or Justice, for his Appearance at such Time as shall be appointed for the Return of such Warrant, such Time being not more than Eight Days from the taking such Security, and which Security any such Sheriff, Magistrate, or Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Sheriff, Magistrate, or Justice, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Fines, Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant should be issued, such Sheriff, Magistrate, or Justice shall not be required to issue such Warrant, but may by Warrant under his Hand commit such Offender to the House of Correction, Bridewell, or Common Gaol of the City or County of *Aberdeen*, there to remain for any Time not exceeding Three Calendar Months, or until such Fine, Penalty, or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Distress, Sale, and other Proceedings as aforesaid, to be ascertained by such Sheriff, Magistrate, or Justice, or until such Offender shall otherwise be discharged by due Course of Law; it being hereby provided, that a Record shall be preserved by the Sheriff Clerk of the County, or the Town Clerk, or the Justice of Peace Clerk respectively, of the Complaint, Judgments, and Warrants: Provided always, that it shall be optional to and in the Power of the said Company or Person entitled to sue for such Penalties, if he or they shall deem it more advisable, to proceed in the Adjudication and Recovery thereof by such ordinary Process for Debt before the said Sheriff, Magistrate, or Justice as is known to and authorized by the Law of *Scotland*, in deciding which Process the Sheriff, Magistrate, or Justice shall have all the extraordinary Powers as to fixing the Amount of Penalties, and disposing of the same, as are herein conferred on him.

For securing
Offenders
whose
Names and
Residences
are unknown.

CVIII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, or any Officer of the Law, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, or Officer of the Law, who shall commit any Offence against this Act, and to convey him, with all convenient Despatch, before any of the Magistrates of *Aberdeen*, or the Sheriff or any Justice of Peace of the City or County of *Aberdeen*, without any Warrant or other Authority than this Act; and the said Sheriff,

Sheriff, Magistrate, or Justice is hereby empowered and required to proceed with all convenient Despatch to the hearing and determining of the Complaint.

CIX. And be it further enacted, That all Informations or Complaints against any Person or Persons for contravening any Enactment or Enactments of this Act, or any Bye Law, Rule, Order, or Regulation which may be established by the Directors of the said Company by virtue of the Powers vested in them by this Act, and the Procedure and Conviction thereon, may be drawn up in similar Terms, or as nearly similar Terms as conveniently may be, to the Forms in use for the Time in the Police Court of the City of *Aberdeen*, or in any other competent Form. Forms of Information.

CX. And be it further enacted, That in every Case in which by this Act a Declaration is required to be made the same shall be in the Form (or as near thereto as the Circumstances of the Case will admit) prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and that all Declarations required by this Act to be made shall be made in Form aforesaid, and shall be as valid and effectual as any Oath or Affirmation; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be subject to the same Punishment and Penalties as by Law applicable to Perjury in *Scotland*. Providing Form of Declaration in lieu of Oaths or Affirmations, pursuant to 5 & 6 W. 4. c. 62.

CXI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or on the Ground of no Record having been made, nor shall the same be removed from before any Sheriff, Magistrate, or Justice by Advocation, nor shall the Orders, Judgments, or Decrees of the Sheriff, Magistrate, or Justice be subject to Review, Stay of Execution, Suspension, or Reduction; any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for Want of Form.

CXII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Sheriff, Magistrate, or Justice, touching any Matter or Fact contained or involved in or affecting any Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Sheriff, Magistrate, or Justice, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath or (in the Case of Quaker) on Affirmation to give Evidence before such Sheriff, Magistrate, or Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding For compelling Witnesses to attend.

exceeding Ten Pounds for every such Offence; but provided that Witnesses shall be paid such reasonable Expences, and by such Party, as the Judge before whom the Complaint is brought may determine.

Declaring what shall be good Service of Notice on the Company.

CXIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company or of the Secretary or Clerk, or delivering the same at such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same at the last or usual Place of Abode of such Agent, Officer, or Director, shall be deemed good and sufficient Service of the same respectively on the said Company: Provided always, that in Cases wherein by virtue of this Act the said Company may be competently cited before the said Sheriff, Magistrate, or Justice of *Aberdeen*, or charged on his Decree, such Service or Charge may be made by any Messenger at Arms or Sheriff Officer, in virtue of the original Order or Warrant or Decree of such Sheriff, Magistrate, or Justice, without the Necessity of Letters of Supplement, or the Indorsation of any other Judge.

Declaring what shall be good Service of Notice by the Company.

CXIV. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk or other Officer of such Corporation, or delivering the same at the last or usual Place of Abode of such Person, or of such Clerk or other Officer of such Corporation, or at the Office of such Clerk or other Officer, or in case such Clerk or Officer or his Residence cannot be conveniently found or known, then personal Service upon any Member or Agent of such Corporation, or delivering the same at the last or usual Place of Abode of such Member or Agent, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director, or by the Secretary or Clerk of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts may be proved in Cases of Bankruptcy.

CXV. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Secretary or Clerk or Treasurer of the said Company for the Time being may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Interim Factor and Trustee, acceding to Compositions and Discharges, and other Matters and

and Things in respect of or relating to the Claim or Demand of the said Company, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

CXVI. And be it further enacted, That no Pursuer shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if sufficient Tender of Satisfaction shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action shall be brought; and in case no Tender shall have been made it shall be lawful for the Defender in any such Action, by Leave of the Court where such Action shall depend, at any Time before the Record is closed, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defenders are allowed to pay Money into Court.

Pursuers not to recover after Tender.

CXVII. And be it further enacted, That none of the Directors of the said Company hereby appointed, or hereafter to be appointed under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued or prosecuted, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed, by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, pinded, or adjudged, but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done by the said Company.

Directors not personally answerable for Acts legally done as Directors.

CXVIII. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them, and they shall be so indemnified out of the Assets for the Time being of the said Company, and, if necessary, by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then

For the Indemnity of the Directors.

then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

Company
empowered
to lease
Market,
Tolls, &c.

CXIX. And be it further enacted, That it shall be lawful for the said Company, at any of their General Meetings, by Writing, at any Time or Times, to let to farm the said Market or the Site thereof, and all or any of the Erections and Buildings to be erected and built thereon, or the Tolls, Stallage, Rents, and Duties hereby made payable, or any Part or Parts thereof respectively, unto any Persons, for any Term or Time which they shall think proper, not exceeding Twenty-one Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Tolls, Stallage, Rents, and Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Tolls, Stallage, Rents, and Duties so let, but for the proper Use of such Lessees; provided that public Notice of the Intention to let the said Market, Erections, Buildings, Tolls, Stallage, Rents, and Duties shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement in some Newspaper published in *Aberdeen* at least One Month prior to any General Meeting at which the same are proposed to be let as aforesaid: Provided always, that the said Company shall be liable for all Acts and Deeds of the said Tacksmen in respect of this Act, the same as the said Company would have been liable if the said Market had not been let.

If Lease be
made of the
Market, the
Lessee to have
the same
Powers, &c.
as the Com-
pany.

CXX. Provided always, and be it further enacted, That such Lessee or Lessees, and his, her, and their Executors, Administrators, or Assigns, shall, during the Term of his, her, or their Lease, but subject to such Exceptions or Restrictions, if any, as may be expressly contained in any such Lease, have and enjoy the respective Rents, Stallages, Tolls, and Dues authorized to be taken by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, as the said Company would have been entitled to if such Lease had not been made, and shall also, during the Term of his or her Lease, have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations, in respect of the said Market and Buildings, or such Part thereof as shall be comprised in the said Lease, which the said Company would have had and enjoyed or been subject to by virtue of this Act or otherwise if such Lease had not been made.

Company
not to use
the Malt
Mill Water-
fall or grind-
ing for manu-
facturing any
Sort of Grain.

CXXI. And be it further enacted, That in case the said Company shall become possessed by virtue hereof of the said Premises called the *Malt Mill*, or acquire any Right to the Water Power now used for the Purposes of the said Mill, it shall not be lawful for the said Company or the Directors thereof to apply, appropriate, or make use of, or permit or suffer to be applied, appropriated, or made use of, the said Water Power for the Purpose of driving any Mill, Engine, Machinery, or Apparatus whatsoever for grinding or manufacturing any Corn or other Species of Grain.

Saving the
Rights of the
Magistrates
and Town
Council.

CXXII. Provided always, 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, or Powers
which

which at present belong to and are enjoyed, or which are claimed (in virtue of Acts of Parliament, Royal Charters, immemorial Usage, or otherwise) by the Magistrates and Council of the said City of *Aberdeen*, as regards Markets, Market Mails, Bell and Petty Customs, and all other Dues payable to them, or to keep open the present existing Markets, and to improve or extend the same at pleasure, or to establish new or additional Markets within the said City or the Liberties thereof, whenever or wherever they may think proper so to do, or to demand, take, receive, or levy Market Mails, Bell and Petty Customs, and all other Dues payable to the Magistrates and Council and Common Good, in the same Manner and to the same Extent, in the proposed new Markets to be established by virtue of this Act, and also in any other Market or Markets which may hereafter be established by or under the Authority of the said Magistrates and Council, as in the existing Markets held in the said City: Provided always, that the Validity, and Discussion in any competent Court or Courts, of such Rights, Privileges, Jurisdictions, and Powers so enjoyed or claimed, with all Defences which any of the Inhabitants of the said City of *Aberdeen* or any other Person or Persons can or may plead against the same, shall be and the same are hereby reserved to all Parties interested, any thing herein contained to the contrary notwithstanding: And it is further provided and declared, that the Rights of all other Parties shall be expressly reserved, and the said Company shall be bound to free and relieve the said Magistrates and Council of and from all Challenges and Claims of Damages from Third Parties in relation to the Execution of the Powers and Authorities hereby given, or any of them.

CXXIII. 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, or Powers which presently belong to the said Commissioners or Board of Police, and that they shall retain and enjoy their present Rights, Privileges, and Powers, as fully and freely after as before the passing of this Act, and that the said Company shall be bound to free and relieve the said Commissioners and Board of Police of and from all Challenges and Claims of Damages from Third Parties arising out of the Execution of the Powers or Authorities hereby given, or any of them.

Saving the Rights of the Commissioners of Police.

CXXIV. Provided always, That in case the Market intended to be erected under the Authority of this Act shall not be completed within the Space or Time of Seven Years, that then all the Powers and Authorities given by this Act shall thenceforth cease and determine, save only as to so much of the Works by this Act authorized to be made as shall have been completed within such Time, and such of the Clauses and Enactments as shall be applicable to the Works so completed.

If Market not completed in Seven Years the Powers of this Act to cease.

CXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

The First SCHEDULE referred to by the foregoing Act.

Owners.	Lessees.	Occupiers.	Description of Property.
William James Gordon and Eliza Gordon.	Isaac Machray and Alex. Brown and Co.	Isaac Machray, Alex. Brown and Co., Jane Laing, and James Cooper.	House and Buildings.
William James Gordon and Eliza Gordon.	Isaac Machray	Isaac Machray, Alex. Elrick, David Longmuir, William Forsyth, Rachel Dallachie, John Petrie.	Houses, Buildings, Stable, Sheds, and Yard.
Helen Henderson -	John Morgan -	John Morgan, Richard Stewart, Harry Matthews, Margaret Gordon, Benjamin Rippley, Margaret Gordon, Christian Cheyne, James Muir, Ann Dick, Isobel M'Donald, John M'Hardy, James Kidd, and Will. Mackay.	Houses, Buildings, and Yard.
Leys, Masson, and Co.	- - -	Leys, Masson, and Co.	Manufacturing Houses, Warehouses, and Stable.
Andrew Robertson -	- - -	Robert Gatens, Stephen Byers, James M'Kanner, Margaret Dunn, Margaret Forbes, and Isobel Mackay.	Houses and Yard.
John Meston, Ann Strachan, Christian M'William or M'Gowan, and James M'Gowan.	- - -	George Watt, James Linton, Fanny Monro, Andrew Wood, Samuel Ferier, John Lauder, William Deans.	Houses and Buildings.
Matthew Walker and Isobel Mitchell or Walker his Spouse.	- - -	James Tough, Daniel M'Kay, John Reary, Peter Leyman, Ann Carmichael.	House and Buildings.
John Meston, Ann Strachan, Christian M'William or M'Gowan, and James M'Gowan.	- - -	Nathan Bunting, John Meston, Arthur Fraser, Alexander M'Kenzie, Alexander Keard, James Milne, Francis Christie, Ann Strachan, William Edwards.	Ditto.
James Tindal, William Carnegie, Forbes Craighead, William Spark, and John Blackie, as Trustees of John Stuart, late Farmer at Angustown.	Andrew Murray and James Smith.	Andrew Murray, James Smith, Isabella Gordon, Robert Shand, Middleton Rettie and Son, Alexander Harvey, and Joseph Rose.	Ditto.
James Dyce - -	William Duncan and Nathan Bunting.	William Mitchell, Nathan Bunting, Craig and Anderson, Mary Stewart, William Duncan, and Jesse Robertson.	Ditto.
John Hay - -	James Gordon -	James Gordon, John Hay, John Anderson, David Pirie, Margaret Cock, and Jane Milne.	Ditto.
The Society of Shipmasters of Aberdeen.	- - -	Mrs. Geo. Fyfe, James Barclay or Bartlett, Jane Lawrence, David Flett, Society of Shipmasters.	Ground, Houses, and Buildings.

Owners.	Lessees.	Occupiers.	Description of Property.
Rachel Cravie or Milne	Alexander Hay	Alexander Hay, Alexander Walker, John Jarvis, Christian Imray or Hendry, Wm. Blyth, H. Smith, Arthur Watson, Rachel Cravie or Milne, Robert Milne, Jean Naughty or Webster, and Geo. M'Kay.	Houses, Buildings, and Yard.
Adam Rennie	Hugh Hart	James Flett, Robert Neive, Alexander Mowat, Alexander Johnston, Michael M'Liskie, Margaret Yule or Rice, Barbara Finnie or Skinner, Wm. Rhind, James Badenoch, Robert M'Kay, Alexander Cummine, Alexander Duncan, Hugh Hart, and Robt. Hanton.	Ground, Houses, and Buildings.
Ann Vass or Fettes		John Smith, George Thomson, David Anderson, Alexander Urquhart, Cecilia Shepherd or M'Pherson, James Robb, George Reid, Helen Gordon, John Ferguson, Hugh M'Culloch, Jean Hunter, Isobel Smith or Duncan, Margaret Findlay, and Isobel Fraser.	Houses and Yard.
Elspet Harwell or Gray		John Reid, Christian Stephenson, Elspet Harwell or Gray, Jane Mackay, Margaret Wilson, Elizabeth Burnett, Elizabeth Mackie, and Janet Mackie.	House and Yard.
William Allan		Isobella Milne, Margaret Bisset, Isobella Troup, Elspet Middleton, Jane Clark, Mary Thomson, Margaret Paton, Elspet Ronald.	Ditto.
George Ross		George Ross, Robert Kemp, Jane Bezie, James Craig, James Mortimer, Henry Leckley, Margaret Ross, David Ewen, Jessy Bisset, Hector Robertson, Walter Mackenzie, Jane Sangster, Helen Fife, Alexander Paul, Hugh M'Guir, Daniel Fraser, David Imray, Wm. Hay, Peter M'Kenzie, Jane Ritchie, Jane Smith, Jane Anderson, and Francis Christie.	Houses, Ground, Buildings, and Yard.
Margaret Cantley or Nisbet, Liferentrix, the Heirs of the late John Duguid, Fiars.		Alexander Silver, Margaret Cantley or Nisbet, James Leech, William Duguid, John Robertson, Donald Fraser, Margaret Anderson, Thos. Jaffray, Ann Walker, Robert Davidson, Walter Hunter, Grassie M'Kay, Robert Cunningham, and David Taylor.	Houses and Buildings.

Owners.	Lessees.	Occupiers.	Description of Property.
Davidson Lamb	-	John M'Kenzie, Barbara Fraser, John M'Intosh, Henrietta Shaw, James M'Kay, John Pittet, William Begg, William Dobbie, Jean Bey, Isobel M'Donald, Margaret Moir, Esther George, Eliz. Robertson, Margaret Philip, Alexander Morison, Isobel Stuart, Donald M'Kenzie, John M'Farlane, Alexander Muckle, Jean Rickerts, Agnes Collie, Christian Collie, William Mitchell, Margaret Spark, Christian Mackay, Mary Morrice or Morrison, Janet M'Kay, Helen Walker, Jessey Hazelwood, John M'Donald, Isobel Adam, William Smith, and M'Kenzie or Stuart.	Houses and Buildings.
Elizabeth Smith or Paterson.	-	Archibald M'Farlane, Jean Hendry, James Meston, Elizabeth Pearson, Robert Davidson, John Fraser, Catherine Cranstoun, Maxwell Skinner, Stuart Forbes, John Dickson, Alexander Fraser, Ann Webster, Andrew Gordon, Peter Grant, James Pirie, Isobel Cryle, Isobel Monro, Peter Barron, Jean M'Pherson, Elizabeth Nicol, William Edmond, Daniel Kerr, William Latimore, Harriett Brebner, Ann Gordon, Charlotte M'Queen, Helen M'Lean.	Houses and Buildings.
William Adam, Alex. Anderson.	Charles Gordon, Hugh M'Culloch.	Alexander Allan, Peter Cran, Charles Gordon, William Duncan, John Fyfe, David Duncan, John Leslie, Hugh M'Culloch, Donald Bain, Alexander Carle, Christian Curran, Margaret M'Kenzie, Mary M'Kenzie, Mary Morison, Isobel Harrow, Barbara Bey, Jannet Milne, Christian Hogg, Isobel Bain, Helen Cameron, Jean Watson, George Dirie, Donald M'Donald, John Bradshaw, John Edward, Jane Stopper, Ann Pithie, James M'Cord, Currie and M'Kenzie, Wm. Knowles, William Kennedy, Catherine Robertson, John Mearns, Andrew Ross, Jean Robertson, James Wood, Ann M'Intyre, William Wilson, Hugh Bow, George Mackie, Alexander Monro, William Monro, Daniel Malcolm, Grassie Smith, John M'Guire, James M'Machan, George Murray, Helen Milldown, James Kay, Cather-	Ground, Houses, and Buildings.

Owners.	Lessees.	Occupiers.	Description of Property.
		rine Johnston, Margaret M'Donald, Isobel M'Leod, Mrs. May Duncan, John Gibb, Nathaniel G. Alexander, Robert Forrester.	
David Alexander	- - -	Alexander Donaldson	House, &c.
William Fleming	- - -	Margaret Hall, Jane Tough, Margaret Mollison, John Webster, Margaret Donald.	Ditto.
Alexander Brown	- - -	Alexander Brown, Martha Mitchell, Barbara Anderson.	House, &c.
William Thomson	- - -	William Thomson, Helen Henderson, Ann Knowles, John Fyfe, Francis Rae, Alex. Kelman, Joseph Shand, Geo. Shand, Peter Braik, Andrew Spence, George Gordon, Headwood or Edmund Chadwick.	Houses, Buildings, and Yard.
William Duncan, Alex. Anderson jun., and James Smith, as Trust Disponees of the late James Troup.	- - -	Ann Young, Joseph Shand, Peter Murray, James Roy, Joseph Fiddes, John Fiddes, Joseph Probit, Christian Murray, John Jamieson, James M'Bain, Margaret Bain, John Manzie, John Strachan, Margaret M'Boyle, Margaret Sheriffs, Elspet Knowles.	Ditto.
Alexander Sutherland	- - -	Alexander Sutherland, John Black, John Smith, James Smith.	House, &c.
Thomas M'Combie, Elizabeth M'Combie, Helen Dunn, James Tytler, John Murray, being the individual Partners of the Firm of M'Combie and Dunn.	- - -	Thomas M'Combie, Elizabeth M'Combie, Helen Dunn, James Tytler, John Murray. The above are the individual Partners of the Firm of M'Combie and Dunn. Alex. Ruddiman.	Ditto.
Alexander Stuart	- - -	Mary Finnie	Ditto.
Alexander Porter	- - -	Robert Leighton, Stuart M'Donald, William Laird, Margaret Duguid or Wilson, Peter Hogg, John Duff, Alexander Nicol, Adam Keith, and William Carnie.	Houses, Buildings, Sheds, and Yard.
Alexander Gillespie	- - -	Robert Ross, James Watt, Kenneth Watt, Ann Milne, William Fairfield, James Dingwall, Isobel Jamieson, William Carnie, Christian Blacklaws, George Spring, Robert Keith, Alexander Hogg, James Smith, Margaret Sutherland, Christian Moir, Robert Angus.	Houses, Buildings, Stables, Sheds, and Yard.

[Local.]

19 D—G

Owners.	Lessees.	Occupiers.	Description of Property.
Ann Vass or Fettes, Ann Fettes or Cad-denhead, Barbara Fettes or Craig, Jean Fettes or Hector, John Hector.	- - -	Peter Sutherland, Donald Paterson, James Meldrum, Donald M'Kay, James Thomson, James Kynoch, Isobel Beverly, Rachel M'Intosh, Helen Moncur, Ann Bey, Ann Mitchell, Alexander Mowatt, Elizabeth Gibb, Jannet Green, Jannet Frazer, James Guald, Barbara Craig, William Farquharson.	Houses, Buildings, and Yard.
Town of Aberdeen	- - -	Joseph Shand and George Shand.	Ground, Buildings, and Mill.
Devanha Brewery Co.	- - -	Alexander Allan, John Sutherland, Robert Donaldson, Barney or Barnet Rolly.	House.
George Clerihew	- - -	John Gray, Joseph Reid, John Moir, Alexander Morison, George M'William, John Grant, Duncan Mac Donald, John M'Petrie, John Ferier, Elspet Walker, Forbes Donaldson, William Petrie, Andrew Thompson, William Hendry, Jean Gellan, William Simpson, James Buck, James Reid, William M'Donald, Margaret Hay, William Sutherland, Christian Menzies, James Nicholson, James Ferguson, John Bull, William Duncan, Alexander Coull, Isobel Roy, Elizabeth Dean or Bings, John Fraser, James Rae, James Monro, James Glennie, Alexander Cameron.	Houses, &c.
William Walker	- - -	William Walker, John Fiddes	Houses, Buildings, and Yard.
Alexander Nisbet	- - -	Robert Ross, Alex. Lohead, James Ross, Robert Alexander.	Ditto.
Reverend John Glegg, Helen Reith or Glegg, Rev. Robert Fiddes, Jannet Reith or Fiddes.	- - -	Mary Blyth, Isobella Barron, May Forbes, Helen Robertson, James Kiloh, Isabella Kiloh, David Stevenson.	Ditto.
Margaret Richardson or Hector.	- - -	- - -	Ground Rents.

The Second SCHEDULE referred to by the foregoing Act.

For every Standing, or Space of Ground of the said Markets occupied as Stallage, according to the Space or Size thereof; that is to say,—

In the covered Ground Area.

For each and every Superficial Foot thereof,—

		s.	d.
If taken by the Year	-	5	0
— by the Half Year	-	2	6
— by the Quarter	-	1	4
— by the Day	-	0	3

In the Gallery of the Market.

For each and every Superficial Foot, as above,—

		s.	d.
If taken by the Year	-	5	6
— by the Half Year	-	2	9
— by the Quarter	-	1	6
— by the Day	-	0	3½

In the uncovered Part of the Market.

For each and every Superficial Foot,—

		s.	d.
If taken by the Year	-	3	0
— by the Half Year	-	1	6
— by the Quarter	-	0	10
— by the Day	-	0	2

		s.	d.
For every Person having a Standing only in the Area of the said covered Market, and exposing for Sale Goods or Wares of any Kind therein, per Day	-	1	0
For every Person having a Standing only in the Area of the said uncovered Market, and exposing for Sale Goods or Wares of any Kind therein, per Day	-	0	6

Dear Sir,

I have the pleasure to acknowledge the receipt of your letter of the 15th inst.

in relation to the above.

The same has been forwarded to the proper authorities.

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]

I am, Sir, very respectfully,
Yours truly,

J. H. [Name]

[Address]