



ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

Cap. cvi.

An Act to explain and amend an Act passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled 'An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same.'* [28th June 1833.]

WHEREAS an Act was passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same:* 7 & 8 G. 4. c. 76.
 And whereas the Commissioners by the said recited Act appointed proceeded to carry the same into execution, and for these Purposes purchased and acquired various Properties in the City of *Edinburgh* of great Value, commenced the Improvements by the said Act authorized to be carried into effect, and in Terms of that Act borrowed and expended divers large Sums of Money: And whereas it was found that the Funds provided by the said recited Act were insufficient to carry the Purposes thereby intended into effect, and another Act was passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled 'An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same,'* by which Power was given to levy and raise, and also to borrow, further Sums of Money for carrying the said Improvements into effect: 1 & 2 W. 4. c. 45.

[Local.] 26 Q effect:

As to the
Power
granted to
levy and
assess.

effect: And whereas Doubts have been entertained touching certain of the Provisions and Enactments in the said last-recited Act contained, and it is most expedient that such Doubts should be forthwith removed; but as the same can only be removed by Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Powers and Provisions in the said last-recited Act specified and contained, for raising, levying, assessing, and providing the Two several Funds or Sums of Sixty-five thousand Pounds and Thirty-five thousand Pounds, therein mentioned, as present Capitals, as at the First Day of *March* in the Year One thousand eight hundred and thirty-one, calculating Interest in estimating such present Capitals respectively at Five Pounds *per Centum per Annum*, were meant and intended to authorize and empower the Commissioners appointed and to be appointed in virtue of the said last-recited Act to raise, levy, and provide, and they are hereby authorized and empowered to raise, levy, and provide, Two several Funds or Sums of Sixty-five thousand Pounds and Thirty-five thousand Pounds, together with the Interest on the said Two several Sums respectively at the Rate of Five Pounds *per Centum per Annum*, from the said First Day of *March* in the said Year One thousand eight hundred and thirty-one, and to continue and impose the Assessments by the said last-recited Act authorized till the said Two several Funds or Sums of Sixty-five thousand Pounds and Thirty-five thousand Pounds, with the Interest thereof as aforesaid, shall respectively be raised, levied, and provided by virtue of such Assessments.

Power to
borrow on
Security of
Assessments.

II. And whereas the Powers and Provisions of the said last-recited Act, whereby the said Commissioners were authorized and empowered to borrow and take up at Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*, the several Sums of Money on the Securities and in the Manner therein specified, were meant and intended to authorize and empower the said Commissioners to borrow and take up at Interest, on the Security of the Assessments by the said last-recited Act granted and authorized, any Sum or Sums of Money not exceeding the Amount for the Time due upon and in respect of the said Two several Funds or Sums of Sixty-five thousand Pounds and Thirty-five thousand Pounds, with Interest thereon respectively as aforesaid: And whereas at the Term of *Whitsunday* or Fifteenth Day of *May* in the present Year there was due upon and in respect of the said Two several Funds or Sums, calculated as aforesaid, after Deduction of Assessments received, the Sum of One hundred and one thousand and seventy-four Pounds Eight Shillings and Ten-pence Sterling; be it therefore enacted and declared, That the said Commissioners are and shall be and they are hereby authorized and empowered to borrow and take up at Interest, on the Security of the Assessments by the said last-recited Act and this Act granted and authorized, either from the Commissioners for the Loans of Exchequer Bills for public Works, or from any other Person or Persons, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, any Sum or Sums of Money not exceeding the Sum of

Ninety-five thousand Pounds Sterling, any thing in the said last-recited Act to the contrary notwithstanding; and the said Commissioners for Improvements shall be and they are hereby authorized and empowered to mortgage and assign the whole Assessments by the said last-recited Act granted, as a Security for such Sums so to be borrowed; and they shall be and are hereby authorized and required to impose and continue such whole Assessments, and to apply the Proceeds thereof in the first place, and to such Extent as may be necessary, to the Payment of the Interest upon the Principal Sums so borrowed, from Time to Time remaining unpaid, at such Rate of Interest as may be agreed upon, and in Repayment of such Principal Sums, by such annual Instalments or otherwise, and at such Times, as may also be agreed upon, until the whole of such Principal Sums, with Interest thereof as aforesaid, shall be fully paid and satisfied, any thing in the said recited Acts, or either of them, to the contrary notwithstanding.

III. Provided always, and be it enacted and declared, That nothing herein contained shall affect or be construed to affect the Power and Authority of the said Commissioners for Improvements to borrow and take up at Interest on Bonds affecting their general Means and Estate, such Bonds being in the Form contained in Schedule (A.) hereunto annexed, or in Words to the like Effect, any Sum or Sums of Money not exceeding Twenty-three thousand three hundred Pounds, to which the Sum which they are by the said last-recited Act authorized to borrow on such Bonds is hereby restricted.

Not to affect Powers of borrowing on Means and Estate of Commissioners.

IV. And be it further enacted and declared, That every Security to be given to the said Commissioners for the Issue of Exchequer Bills by the said Commissioners for Improvements as aforesaid shall not be affected by Informality in any Proceedings of the said Commissioners for Improvements, and shall be entitled to Priority over all other Assignments, Bonds, Charges, and Incumbrances whatsoever on the said Assessments granted and authorized by the said last-recited Act and this Act, and the general Means and Estate of the said Commissioners for Improvements, until any Sum or Sums which shall have been so advanced by the said Commissioners for the Issue of Exchequer Bills, and all Interest that may have accrued thereon, shall be fully paid and satisfied.

Securities to the Commissioners for the Issue of Exchequer Bills to have Preference.

V. And be it further enacted and declared, That according to the true Intent and Meaning of the said last-recited Act and this Act, Persons lending the aforesaid Sum or Sums of Money, or any Part thereof, shall, in addition to their special Right to the Whole or any Part of such Assessments, be held and deemed to be general Creditors of the said Commissioners for Improvements to the Extent of the Sums lent and advanced by them respectively; subject nevertheless to the Priority of Right or Claim to which the said Commissioners for the Issue of Exchequer Bills will be entitled on any Advance which may be made by them.

Assignees to be also general Creditors.

VI. And in order to prevent any Doubts touching the Obligations of the said Commissioners for Improvements to realize and apply their general Means and Estate to the Payment and Discharge of the aforesaid Sums to be borrowed by them in manner before mentioned, and

Commissioners to fulfil Obligations undertaken.

and of the General Engagements undertaken or to be undertaken by them, and to the other Purposes of the said recited Acts, be it enacted, as it is hereby provided and declared, That such Obligations are and shall continue to be in full Force against the said Commissioners, save and except only so far as the same may be altered or affected by the Declarations and Provisions herein-before contained.

Expences of Act.

VII. And be it further enacted, That the Expences of applying for and obtaining this Act shall be paid by the said Commissioners for Improvements out of the first and readiest of any Monies in their Hands, or which may come to their Hands, in virtue of the said recited Acts or either of them.

Public Act.

VIII. 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 without being specially pleaded.

SCHEDULE (A.) to which the Act refers.

Number [*here state the Number*].

BY virtue of an Act made in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same*, and also of an Act made in the First and Second Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled 'An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same,'* and also of an Act made in the Year of the Reign of His present Majesty, intituled *An Act* [*here set forth the Title of this Act*], I, A. B., Clerk to the Commissioners under the foresaid Acts, and by Authority of the said Commissioners, in consideration of the Sum of [*here state in Words at Length the Amount of the Sum or Instalment for which the Bond is granted*] Sterling, instantly lent and paid to me on account of the said Commissioners, and for the Purposes of the said Acts, by C. D. of E., do hereby bind and oblige the said Commissioners for the Time being, out of the Means and Estate, Heritable and Moveable, Real and Personal, of the said Commissioners, to pay to the said C. D., his Executors, Administrators, or Assignees, Interest for the said Sum at the Rate of [*here state the agreed on Rate of Interest*] per Centum per Annum regularly, in the Year at least, on [*here state the agreed on Day or Days of Payment of the Interest*], if demanded, from the Date hereof, and to repay such Principal Sum of [*here again state the Amount of the Sum or Instalment*], and all Interest which shall arise thereon not before paid, to the said C. D., his Executors, Administrators, or Assignees, at the Term of [*here state the agreed on Term of Payment of the Principal*], which shall be in the Year [*here state the agreed on Year of Payment of the Principal*], or at any Term of *Whitsunday* or *Martinmas* thereafter, upon Six Months Intimation to the Clerk to the Commissioners for the Time being. In witness whereof I have subscribed these Presents, written by

at this Day of in the
Year before these Witnesses.

K. L., Commissioner.
M. N., Commissioner.

A. B. Clerk.