ANNO SEXTO

GEORGII IV. REGIS.

Cap. cvii.

An Act for establishing additional Market Places in the City of *Glasgow*, for opening certain Streets and Communications therein, and otherwise improving the said City. [10th *June* 1825.]

WHEREAS by an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rebuilding the Tron Church of the City of* Glasgow, *for opening certain Streets*, and for other Purposes therein mentioned, the Magistrates and Council of the City of *Glasgow* were authorized to treat and agree with the Owners for the Purchase, for Public Purposes, of an Area or Piece of Ground situated on the East Side of *Candleriggs Street* in the said City, which has, under the Authority of the said recited Act, for some Time past been occupied as a Public Market Place or Bazar: And whereas it is expedient that further Power should be granted and further Regulations made in relation to the said Piece of Ground and Market Place, and that other and additional Market Places should be established, and certain new Streets should be formed and opened in the said City, and that the said City should be otherwise improved: And whereas the opening a Road or Communication from the *Garscube* Road to the *Kirkintilloch* Road in the Suburbs or immediate Vicinity of the said City would be much for the Public Benefit and Convenience: But as these Purposes cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; 33 G. 3. c. 124.

Power to acquire a valid Title to Area of Ground on East Side of Candleriggs Street, for Public Purposes.

and be it enacted by 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 from and after the passing of this Act, the said Magistrates and Council and their Successors in Office shall be and are hereby authorized and empowered to treat for, purchase, and acquire, or take possession of for Public Purposes, or otherwise, the said Area or Piece of Ground occupied as a Public Market as aforesaid, in the Manner and upon the Conditions herein-after specially provided; but subject always to such Servitudes over the said Area of Ground, as may be vested in the Proprietors of the Tenements adjacent to the same, for the Preservation of their Lights, or Communication with the said Area, or Restriction as to the Heights of Buildings to be erected thereon, in virtue of their respective Title Deeds.

Power to establish a Market for the Sale of Horses, &c.

II. And whereas it is expedient that the Sale of Horses and other such Cattle on the Public Streets of the said City and Suburbs should be further restricted: And whereas the said Magistrates and Council have lately acquired an extensive and convenient Area of Ground on the East Side of the said City, situated between the *Gallowgate* and *Duke Street*, and in the Vicinity of the present Live Cattle Markets, for the Purpose of a Market Place for the Sale of Horses, and for the Extension of the said Live Cattle Market Place; and it is reasonable that the said Magistrates and Council, and the Community of the said City, should be enabled to defray the Expences of the said proposed Undertaking and Public Improvement, by the Exaction of certain Market Rates or Duties; be it therefore enacted, That from and after the passing of this Act, the said Magistrates and Council shall be and they are hereby authorized and empowered to appropriate such Part of the said Area of Ground, situated between the *Gallowgate* and *Duke Street* of the said City, as may be deemed requisite, for the Establishment and Construction of a Market Place for the Sale of Horses, Mules, and other such Animals, and to enclose with a Wall and pave the said Ground, and to erect thereon a House for the Keeper of the Markets, Stables, and other suitable Buildings and Enclosures.

Power to exact Market Rates or Duties.

III. And be it further enacted, That when the said Market Place shall be finished and opened for the Accommodation of the Public, all and every Persons or Person who shall bring into or expose to Sale in the said Market Place any Horse, Mule, or other such Animal, shall for each Time that such Horse or other Animal is or are exposed to Sale, pay the following Rates and Duties; that is to say,

For every Horse, or Mule, or other such Animal, above Thirteen Hands high, Three-pence Sterling.

For every Horse, Mule, Poney, or other such Animal, under Thirteen Hands high, One Penny Halfpenny Sterling:

Rates or Duties continued.

IV. And be it further enacted, That in the Event of any Sale, Barter or Exchange of any such Horse, Mule, or other Animal being effected after being brought into or exposed to Sale within the said Market, all and every Person or Persons purchasing, receiving in Barter, or exchanging

exchanging any such Horse, Mule, or other such Animal, shall, for each Time that such Cattle is or are so purchased, bartered, or exchanged, pay the Rates and Duties before granted, and that over and above the said Sums payable by the Exposers.

Application of Duties.

V. And be it further enacted, That the said Rates and Duties, subject to the Payment of a Part of the Expence of this Act as herein-after provided, shall be added to the Rates and Duties leviable from the Sale of Live Cattle in the present Market Place, and make One common Fund, out of which so much as is necessary shall be laid out and applied, in the First Place, in and towards Repayment of the Charges incurred or to be incurred by the said Magistrates and Council, in purchasing the Ground for, and in forming and erecting the said Market Place for the Sale of Horses, and the Buildings, Walls, and Enclosures thereon; and in the next Place, such a Sum as is requisite shall be paid and applied in keeping up and maintaining the said Market Place and Buildings aforesaid in proper Repair, or in improving and rendering the same more commodious, and in defraying the Salaries and Allowances to be made to the Keeper of the said Market, or other Officer or Officers, who shall or may be appointed to superintend the same, and the Expences incurred by such Keeper, Officer or Officers, in the Execution of the Duties of their respective Offices.

Penalty on Sale of Horses, &c. on Public Streets.

VI. And be it further enacted, That after the said Market Place shall be opened for the Accommodation of the Public, if any Person or Persons shall expose to Sale any Horse, Mule, or other such Animal, or shall cause the same to be so exposed, at any Time or Season, in any open or public Street, Square, Lane, or Road within the said City and Royalty thereof, or within Three Miles of the Cross of *Glasgow*, other than the said Market Place, all and every Person or Persons so offending, or contravening this Regulation, shall for every such Offence or Act forfeit and pay any Sum not exceeding Five Pounds Sterling, to be sued for, recovered, and applied in Manner herein-after directed.

Penalty for selling Horses, &c. in any other Market within certain Limits.

VII. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to erect or establish any Market or Markets for the Sale of Horses, Mules, or other such Animals within the said Royalty, or within Three Miles of the Cross of *Glasgow*; and all and every Person or Persons who shall sell or cause to be sold any Horse, Mule, or other such Animal, in any Market or Markets to be erected or established within the Limits aforesaid, shall for every Horse, Mule, or other such Animal so sold in such Market or Markets forfeit and pay any Sum not exceeding Ten Shillings Sterling, to be sued for, recovered, and applied in Manner herein-after directed.

Market Place may be used for the Sale of Horses, &c. and other Purposes.

VIII. And be it further enacted, That it shall and may be lawful for the said Magistrates and Council, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Servants or Assigns, to use and apply the said Market Place for the Sale of Horses, Mules, and other such Animals, and occasionally to such other Public Purposes

Purposes as to them may seem expedient and advisable, and particularly for enlarging and rendering more commodious the Market Place adjacent thereto, erected for the Sale of Neat or other Live Cattle under the Powers and Provisions contained in an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for amending an Act of His late Majesty King* George *the Third, relating to the Conversion of the Statute Labour within the Royalty of* Glasgow, *and another Act of His said late Majesty relating to the Sale of Live Cattle in the City of* Glasgow, *and for opening certain Streets, and otherwise improving the said City.*

1 G. 4. c. 88.

Penalty for selling Neat and other live Cattle on the Streets, or within certain Limits.

IX. And whereas by the said recited Act passed in the First Year of the Reign of His present Majesty it is provided, that it shall and may be lawful to sell or expose for Sale Neat or other Live Cattle on the Streets of the said City at the usual Places during the Annual Fair of *Glasgow* in the Month of *July*: And whereas the Sale of the said Cattle on the Public Streets of the said City has proved a great Nuisance and Inconvenience to the Inhabitants, and should be still further restricted; be it therefore enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to sell or expose to Sale, or cause to be sold or exposed to Sale, any Neat or other Live Cattle, at any Time or Season whatever, on any open or public Street, Square, Lane, or Road within the said City or Royalty thereof, or within Three Miles of the Cross of *Glasgow*, other than in the said Live Cattle Market Place authorized to be established under the said recited Act; and all and every Person offending against or contravening this Regulation, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be sued for, recovered, and applied in manner herein-after directed.

Burgh of Rutherglen, &c. exempted.

X. Provided always, and be it enacted, That none of the Prohibitions or Penalties before mentioned shall extend to any Horse, Mule, Neat, Oxen, or other such Cattle, exposed to Sale or sold in the Burgh of *Rutherglen*, or in the Villages of *Pollockshaws*, *Langside*, or *Long Govan*, in the Counties of *Renfrew* and *Lanark*, or to any such Cattle exposed to Sale or sold in any Public Market established or to be established under any Charter of Erection or Act of Parliament obtained by the Burgh of *Calton*, or of or over the Lands and Village of *Mile End*, or by the Burgh of *Anderston*, or of or over the Lands and Estate of *Blythswood*, or to any private Sale thereof within private Premises, or to any private Sale, in such Premises, by a Licensed Auctioneer.

Power to establish a Market for Raw Hides.

XI. And whereas it is expedient that a Market for the Reception and Sale of the raw Hides of the Neat and other Cattle slaughtered in *Glasgow* should be erected and established in the Vicinity of the Public Shambles or Slaughter Houses of the said City, and that the Magistrates and Council of the said City should be enabled to defray the Expence of such an Establishment, by the Exaction of moderate Market Rates or Duties; be it therefore enacted, That from and after the passing of this Act the said Magistrates and Council shall be and they are hereby authorized and empowered to purchase

and acquire, in Manner herein-after provided, such an Area or Piece of Ground, whether at present occupied with Buildings or not, in the Vicinity of the Public Slaughter Houses, as may be deemed sufficient and proper for a Market Place for the Reception, due Preservation, and Sale of the Raw Hides of the Neat and other Cattle which may be slaughtered in the said Public Slaughter Houses or elsewhere, and to erect and construct on the said Ground such Houses, Sheds, Enclosures, and other Buildings, as may be necessary for the said Purposes and for the Accommodation of the Keeper of the said Market.

Power to levy Market Rates on Raw Hides.

XII. And be it further enacted, That when the said Market Place shall be finished and opened for the Accommodation of the Public, all and every Persons or Person who shall bring into and expose to Sale in the said Market any Raw Hide or Hides of Neat or other Cattle slaughtered in the Public Slaughter Houses of *Glasgow* or elsewhere, shall, for each Time any such Hides are so brought in and exposed to Sale, pay for each Hide of Neat, Oxen, or other such Cattle, the Sum of Three-pence; for each Hide of any Hog, the Sum of One Penny; for each Hide of any Calf or Sheep, the Sum of One Halfpenny; and for each Hide of any Lamb, the Sum of One Farthing; which respective Duties shall be payable by or be recoverable from the Purchaser or Purchasers of such Hides.

Application of Market Duties on Raw Hides.

XIII. And be it further enacted, That the said Duties on Hides, subject to Payment of a Part of the Expence of this Act as herein-after provided, shall be applied, first, in Repayment of the Expences to be incurred by the said Magistrates and Council in purchasing or acquiring the Ground for the said Market Place, and in erecting the said Buildings thereon; and next, in keeping up and maintaining in proper Repair such Raw Hide Market Place and Buildings aforesaid, or in improving and rendering the same more commodious, and in defraying the Salaries or Allowances to be made to the Keeper of the said Market, or other Officer or Officers, who may be appointed to superintend the same, and the Expences incurred by such Keeper, Officer or Officers, in the Execution of the Duties of their respective Offices.

Penalty on Sale of Raw Hides on the Streets or in other Markets.

XIV. And be it enacted, That after the said Market Place shall be opened for the Accommodation of the Public, it shall not be lawful to or for any Person or Persons to expose and offer for Sale any Raw Hide in any other Public Market Place or Places, or in any open or Public Street, Square, Lane, or Road within the Royalty of the said City, or within Three Miles of the Cross of *Glasgow*, or to erect or establish any Market or Markets for the Sale of Raw Hides within the said Royalty, or within Three Miles of the Cross of *Glasgow*, without the Authority of the said Magistrates and Council first had and obtained for the said Purpose; and all and every Person or Persons who shall expose for Sale or cause to be exposed for Sale any Raw Hides of Neat or other Cattle in any Public or other Market Place, excepting the Market Place hereby authorized to be made, or in the Public Streets, Lanes, or Roads aforesaid, within the Limits aforesaid, shall, upon every Hide so sold, forfeit and pay any Sum not

exceeding Ten Shillings, to be sued for, recovered, and applied in Manner herein-after directed: Provided always, that nothing herein contained shall be construed to extend to any Public Market established or to be established for the Sale of such Raw Hides under any Charter of Erection or Act of Parliament by the foresaid Burghs of *Calton* or *Anderston*, or over the Lands and Village of *Mile End*, or Estate of *Blythswood*, or in the Burgh of *Rutherglen*, as before mentioned, or to any private Sale thereof within private Premises, or to any Sale within any other Place whatever, in which, previous to the passing of this Act, any Person or Persons was or were in use to sell or dispose of Raw Hides.

Recovery and Application of Penalties.

XV. And be it further enacted, That the aforesaid Penalties for selling or exposing to Sale any Horse, Mule, and other such Animal, and for selling and exposing to Sale Neat or other Live Cattle, or the Raw Hides of such Cattle, contrary to the Provisions aforesaid, shall and may be sued for and recovered by the Keepers of the said Markets, to be erected by the said Magistrates and Council, or by such other Person or Persons as the said Magistrates and Council shall appoint for that Purpose, in a summary Way, before the Judge Ordinary of the District wherein such Sale or Exposure to Sale shall take place, and shall be applied after defraying the Expences of recovering the same, in the same Manner as the said Market Rates are herein-before directed to be applied.

The Hide Market to be under the Care of Magistrates and Council.

XVI. And be it further enacted, That the said Magistrates and Town Council shall and they are hereby required to take under their Care and Management the said Hide Market, and to keep the same sweet, clean, and in good Order, and for that Purpose they shall cause the Apartments and Passages thereof to be scoured, and any Filth therein removed, at such Times as may be judged necessary, and to make all such Bye Laws and Regulations, for the proper Management of the said several Markets, and the Keepers or other Officers therewith connected, as the said Magistrates and Council shall think fit or necessary.

St. Enoch's Church to be enlarged.

XVII. And whereas *St. Enoch's* Church in the said City has, in consequence of the recent Increase in the Population of *Glasgow*, become too small for the Accommodation of the Inhabitants of the Parish to which it belongs; and it is expedient that when the said Church comes to be rebuilt, the Dimensions thereof should be enlarged; be it therefore enacted, That the said Magistrates and Council shall be and they are hereby authorized and empowered, in re-building *Saint Enoch's* Church in the said City, to enlarge the Dimensions of the said Church, to the Extent of Five Feet on the East and West Sides thereof respectively, and, if they think fit, to extend the South Front of the said Church to the Line of the North Side of *Howard Street* in the said City, and likewise Three Feet to the North of the Line of the present Front of the said Church, Satisfaction being always made for the Ground so to be occupied to the Parties interested therein, in Terms of the Provisions herein-after enacted.

XVIII. And

XVIII. And whereas it would tend much to the Improvement and Ornament of the City of *Glasgow*, and to the Convenience and Accommodation of the Inhabitants thereof, if Communications were opened and formed between the West and East Parts of the said City in the Line of *Ingram Street*, and in the Line of *College Street*, and between the North and South Parts of the said City in the Line of *North Albion Street*; be it therefore enacted, That from and after the passing of this Act the said Magistrates and Council and their Successors in Office shall be and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Workmen, and Servants, or Assigns, to continue *Ingram Street* in the said City Eastward from the West Boundary of the *Ramshorn* Church Yard to the *High Street*, of such Width and in such Direction as the said Magistrates and Council shall think proper, and to open, form, causeway, and pave the said proposed Continuation of the said Street; as also to open, form, causeway, and pave a Street not exceeding Sixty Feet in Width, running Westward from *College Street* to *North Albion Street* in the said City, in such Direction as the said Magistrates and Council or their Successors in Office shall think proper; as also to widen the lower Part of *North Albion Street*, and to open, form, causeway, and pave a Street not exceeding Forty Feet in Width, running Southward from the North Part of *North Albion Street* next *George Street* to *Canon Street*, or to the proposed Continuation of *Ingram Street* Eastward to the *High Street* before authorized, in such Direction as the said Magistrates and Council may think proper; and to purchase or acquire and take Possession of, in manner herein-after directed, the Grounds and Buildings on the Sides of the said proposed Streets, to an Extent not exceeding Sixty Feet on each Side of the said Streets, including the Whole or Part of the Meeting House and Grounds on the West Side of *North Albion Street* as aforesaid, belonging to the New Presbyterian Society in *Glasgow*, and to sell the Grounds so purchased for the Purpose of erecting thereon Houses, Shops, Warehouses, or other Tenements, according to Plans to be made out and approved of by the said Magistrates and Council, or to dispose of or apply the said Grounds, and Buildings erected or to be erected thereon, as the said Magistrates and Council shall think proper.

Power to continue Ingram Street to the High Street.

Power to continue College Street Westward.

Power to widen North Albion Street.

XIX. And whereas it will be necessary, for widening and continuing *Ingram Street* Eastward to the *High Street* as aforesaid, to occupy certain Areas of Ground formerly used as Burying Ground in the *Ramshorn* Church Yard and in the North-west Church Yard, chiefly situated to the South of the Line of the Plane of the South Front of the said Church; be it enacted, That from and after the passing of this Act the said Magistrates and Council shall be and are hereby authorized and empowered to treat for, purchase, acquire, occupy, and possess the said Areas of Ground in Terms of the Provisions herein-after enacted, but only upon the special following Conditions; First, that the said Magistrates and Council shall occupy the said Areas of Burying Ground solely for the Purpose of widening the said Street, and shall not use the same for any other Purpose whatever, not even for the Purpose of burying the Dead, and shall not be at liberty to re-sell the same; and it shall not be lawful for them,

Restrictions as to Burying Ground to be acquired for widening Ingram Street.

them, or any other Person or Persons, to introduce or cause to be introduced into the said Areas of Burying Ground any Common Sewer, Water Pipe, or Gas Pipe; Secondly, that the said Magistrates and Council shall cause the Graves and Areas of Burying Ground to be wholly covered over with large Stones, to be placed at least Two Feet below the Causeway of the said proposed Street; Thirdly, that, if required, the said Magistrates and Council shall, instead of the said Covering of Stone, be at the Expence of causing the Remains of the dead Bodies formerly interred in the said Burying Ground to be removed to such other Burying Ground belonging to the said Magistrates and Council as the Parties interested may purchase at the ordinary Current Price, or agree to take in Exchange.

Power to open Communication between the Garscube and Kirkintilloch Roads.

XX. And whereas it is expedient that a more direct Communication should be opened between the Road leading from *Buchanan Street* in the said City to *Garscube* and the Road leading from the *High Street* in the said City to *Kirkintilloch*, and that a moderate Rate or Toll Duty should be levied for the Purpose of defraying the Expence of such Public Improvement; be it enacted, That the said Magistrates and Council shall be and are hereby authorized and empowered, from and after the passing of this Act, to open, form, causeway, and pave a Road, not exceeding Sixty Feet in Width, from the Road leading from *Buchanan Street* in the said City to *Garscube*, at a Point at or near the Junction of the *Sauchiehall* Road with the said Road, nearly in the Line or Direction of *St. Enoch*'s Burn, Eastward to the Road leading from the *High Street* to *Kirkintilloch*, at a Point a little to the North of the *Monkland* Canal Basin, and for the said Purposes to cover or arch over *St. Enoch*'s Burn, if found necessary, and for that Purpose to purchase or acquire from the Owners of the Lands to be occupied by the said Road, such Ground as may be requisite, in the Manner and upon the Conditions herein-after directed.

Map or Plan may be inspected.

XXI. And whereas a Map or Plan, describing the said Road intended to be made, and the Lands through which it leads, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the County of *Lanark* at *Glasgow*; be it further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace, and every or any Person, being an Owner, or Occupier of any Lands or Tenements upon the Line of the said Road, shall at all reasonable Times have Access to the said Map or Plan, and Book of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the said Clerk, for such Copy or Extract from the same, after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Not to deviate more than 100 Yards without Consent.

XXII. And be it further enacted, That the said Magistrates and Council in making the said Road shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic or Corporate or Collegiate, through whose

whose Lands or Grounds such Deviation shall be made, or take down or remove any Dwelling House or other Building, the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden, the Contents of which exceed Half an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House (other than such as are described in the Schedule hereto annexed), without the Consent in Writing of the Owners thereof: Provided always, that it shall and may be lawful to and for the said Magistrates and Council to make the said Road in, to, through, across, or over the several Lands, Grounds, and Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, or are, or shall be Owner or Owners of Land over which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Limitation of Power to purchase.

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

Power to levy Toll Duty.

XXIV. And be it further enacted, That for defraying the Expence of opening, forming, and maintaining the said Communication, the said Magistrates and Council shall be and they are hereby authorized and empowered, as soon as the said proposed Road shall be opened for the Accommodation of the Public and passable, to levy and collect or cause to be levied and collected, by any Person or Persons authorized by them, or from all and every Person or Persons using or passing along the said Road, or any Part thereof, the following Rates or Duties; *videlicet*,

Tolls.

For every Horse or Beast of Draught drawing any Coach, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the Sum of Sixpence Sterling; and for any Number of Horses or Beasts of Draught exceeding Four, drawing any such Carriage, the Sum of Four Shillings; and, if the said Trustees shall think proper, for every Horse or Beast of Draught not more than Six in Number, drawing any Stage Coach, Long Coach or Diligence, or Carriage of the like Kind, any Sum in addition to the aforesaid Rates not exceeding One Third thereof:

For every Horse, Ox, or Beast of Draught, drawing any Waggon, Wain, or Cart, or other such Carriage, Four-pence Sterling:

For every Saddle Horse or Mule, with or without a Rider, Two-pence Sterling:

For every other Horse or Mule, laden or unladen, and not drawing, One Penny Halfpenny Sterling:

For every Ass, loaded or unloaded, One Penny:

For every Score of Oxen or Neat Cattle, One Shilling and Eightpence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, One Shilling; and so in proportion for any greater or less Number:

For every Drove of Horses or Fillies unshod, Two Shillings Sterling *per* Score; and so in proportion for any greater or less Number.

Power to erect Turnpike Gates.

XXV. And be it further enacted, That the said Magistrates and Council shall be and they are hereby authorized and empowered to erect or cause to be erected one or more Toll House or Toll Houses, and Gate or Gates, Turnpike or Turnpikes, across and at either Extremity of the said Road, or at any intermediate Station thereon, as may appear to them to be suitable; and also on the Side or Sides of the said Road, and across any Lane leading into or out of the same, and there to take and collect the Tolls and Duties before granted.

Stage Coaches to pay every Time they pass.

XXVI. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing any of the Turnpikes erected on the said Road under the Authority of the present Act.

Return Post Chaises to pass Toll-free.

XXVII. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on the said Road, drawing any Carriage in respect of which any Tolls shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to pass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Road on the same Day, provided that such Horses, so travelling, shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Toll to be paid in respect of a new Hiring.

XXVIII. Provided also, and be it further enacted, That the Tolls made payable by this Act shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Tables of Tolls, &c. to be put up.

XXIX. And be it further enacted, That the said Magistrates and Council shall put up and continue, or cause to be put up and continued, at every Toll Bar on the said Road, a printed Schedule or Table, containing the Name of the Toll Bar where the same shall be affixed, with a List of the Tolls payable at every such Bar, and also the Name of any other Bar which shall be cleared by the Payment of

Toll at the Bar where such Table of Tolls shall be affixed, and shall provide Tickets denoting the Payment of Toll, and mentioning the Bar so cleared, one of which Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the Month on which the same is delivered; and on the Production of such Ticket at any Bar cleared by the Payment of the Toll at the Bar where such Ticket was delivered, the Person producing the same shall pass through such Bar without paying any additional Toll: Provided always, that if no such Schedule or Table as aforesaid shall be put up and continued at any Toll Bar, it shall not be lawful to collect any Toll at such Toll Bar.

For settling Disputes.

XXX. And be it further enacted, That if any Dispute shall arise about the Amount of the Tolls due, or the Expences of keeping or selling any Articles pointed for Nonpayment of any of the Tolls hereby made payable, it shall be lawful for the Toll Gatherer, or the Person pointing, to retain such Articles, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due, and the Expences of keeping and selling the Articles as aforesaid, be ascertained by the Sheriff Depute or Substitute, or any Justice of the Peace for the said County of *Lanark*, who, upon a Complaint made, shall in a summary Manner determine the Amount of the Tolls due, and shall adjudge such Expences to either Party as to the said Sheriff or Justices shall appear right and proper.

Toll Keepers to put up their Names.

XXXI. And be it further enacted, That every Toll Gatherer appointed by the said Magistrates and Council on the said Road shall place on some conspicuous Part of the Fronts of their several Toll Houses his or her Christian and Surname, painted in Black on a Board with a White Ground, each of the Letters of such Name to be at least Two Inches in Length, and of a Breadth in Proportion, and that such Board shall remain at such Toll House during the Whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every Tacksman or Toll Gatherer shall place on the Front of the Toll House the printed Schedule or Table herein-before directed to be provided by the said Magistrates and Council; and if any Tacksman or Gatherer shall not place such Board, or Schedule, or Table respectively, and keep the same there during the Time such Person shall be such Tacksman or Gatherer, or shall demand or take a greater or less Toll than such Tacksman or Gatherer shall be authorized to do, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit any Person to read such Board, Schedule, or Table, or shall refuse to tell his or her Christian or Surname to any Person who shall demand the same on being paid the said Tolls, or shall give a false Name, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Toll Bars freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct any Passenger from passing through any Toll Bar, or shall make use of any scurrilous or abusive Language to any Surveyor, Traveller, or Passenger, or offend against the

the Provisions of this Act, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Accounts to be kept.

XXXII. And be it further enacted, That the said Magistrates and Council shall direct a Book to be provided and kept by their Clerk for the Time being, in which Book such Clerk shall enter true and regular Accounts of all Sums of Money received and expended on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, and which Book shall at all seasonable Times be open to the Inspection of the said Magistrates and Council, or any Creditor on the Tolls collected and taken on the said Road respectively; and the said Magistrates and Council and Creditors, or any of them, may take Copies of the said Book, or any Part thereof, without the said Magistrates and Council or Creditor paying any thing for the same; and in case any Clerk shall not permit, or shall refuse to permit the said Magistrates and Council or Creditor to inspect any such Book, or to take such Copies as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book at any Meeting of the said Magistrates and Council, when required, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be recovered and applied.

Tolls to be paid once a Day.

XXXIII. Provided always, and be it enacted, That no Person or Persons having occasion to pass through any Gate or Turnpike to be erected by virtue of this Act, and who shall return the same Day through the same Gate or Turnpike before Twelve of the Clock at Night with the same Horse or Horses, or other Beast or Beasts, drawing the same Coach or Cart, or other Wheel Carriage, shall be liable or compelled to pay the said Tolls or Duties more than once; but shall on Demand be furnished with a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, which shall give Access to such Person or Persons returning the same Day as aforesaid to repass the said Gate or Turnpike Toll-free; but if the same Horse, Horses, or other Beast or Beasts, drawing the same Cart, or other like Carriage, shall return or pass the said Gate or Turnpike with a new or different Loading, weighing not less than Five Hundred Weight, a second or more Times in the same Day, Toll shall be paid for the same for each Time they shall so pass, in the same Manner as for the first Time.

Tolls to be levied by Distress and Sale.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Magistrates and Council, or such Person or Persons as they shall from Time to Time nominate and appoint, to demand and take or compound for the Tolls and Duties hereby granted and made payable; and if any Person or Persons shall neglect or refuse to pay the same, the said Magistrates and Council are hereby empowered, by themselves, or such other Person or Persons as they shall authorize and appoint, to levy each and every of the said Tolls and Duties by Distress and Sale of any Horse or Horses, or other Cattle or Carriage of any Defaulter or Defaulters in the Payment of such Tolls and Duties, and to detain such Horse or other Cattle or Carriage so distrained, until

until the said Tolls with reasonable Charges of such Distress shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Four Days after such Distress shall be made, to appraise and sell the Horse or Horses, Cattle or Carriage so distrained by Public Auction at the Turnpike or Toll House where the Toll ought to have been paid, returning the Overplus (if any be) to the Proprietors of such Horse or Horses, Cattle or Carriage, so distrained, after deducting such Toll or Duty and the reasonable Charges of distraining, appraising, and selling the same.

Magistrates and Council may let the Tolls, &c.

XXXV. And be it further enacted, That the said Magistrates and Council may and they are hereby authorized and empowered by Public Auction to let the said Tolls and Market Duties hereby granted and vested in them, in Whole or in Part, from Time to Time, as they shall think proper, for any Term not exceeding Three Years at One Time, for the highest Rate or Rates they can obtain for the same, to such Person or Persons as shall give good and sufficient Security for Payment of the Sums for which the said Tolls and Markets shall be so let, and be approved of by the said Magistrates and Council.

Power to borrow Money.

XXXVI. And be it further enacted, That the said Magistrates and Council shall be and they are hereby authorized and empowered, for enabling them to purchase the requisite Ground, and to open and maintain the said Communication, and for the other Purposes before mentioned, to borrow any Sum of Money not exceeding Five thousand Pounds Sterling, on the Credit of the Tolls to be levied on the said proposed Road, at any Interest not exceeding Five *per Centum per Annum*: Provided always, that the said Tolls shall be applied solely for the Purposes of opening, forming, erecting, repairing, and maintaining the said Road and Toll Houses, and repaying the Debt, Principal and Interest, hereby authorized to be contracted for the said Purposes, and shall cease when the said Purposes are accomplished.

Power to treat and agree with Proprietors.

XXXVII. And for enabling the said Magistrates and Council or their Assigns to acquire the Areas of Ground and Buildings herein-before mentioned for the Purposes of all or any of the said Market Places, and for opening and forming the said new Streets and Communications, and carrying into Execution the other Purposes aforesaid, be it further enacted, That the said Magistrates and Council and their Successors in Office or their Assigns shall have full Power to treat and agree with the Owners, Occupiers, and all others having Interest, for the Purchase of all such Lands, Houses, Tenements, and other Heritages, as shall or may be necessary or expedient for forming the said Markets and Streets, and for the Buildings to be erected on the Sides thereof as aforesaid, or for the said Road and Toll Houses to the Extent aforesaid, particularly with the several Persons named in the Schedule hereunto annexed, being Owners or Occupiers, or reputed Owners or Occupiers, or having an Estate or Interest in the Lands, Houses, Tenements, and other Heritages before mentioned, or with the Heirs or Disponees of any of the said Persons, or any other Person or Persons, Body or Bodies Politic or Corporate, who are or may be Proprietors

of, or who have or may have an Interest in the said Lands, Houses, Tenements, or Heritages, or with others to whom Damages may arise from the Erection of the said Markets: Provided always, that nothing herein contained shall extend or be construed to authorize the said Magistrates and Council or their Assigns to take and use any Lands, Houses, Tenements, or other Heritages for the Purposes aforesaid, without the several Consents in Writing of the respective Owners and Occupiers thereof in that Behalf previously had and obtained, save and except only the several Lands, Houses, Tenements, or other Heritages belonging to or occupied by the several Owners or Occupiers named in the Schedule, or to the Proprietors or Occupiers of the Grounds and Houses in *Candleriggs Street* or *Saint Enoch's Square* as aforesaid, and in respect only of their several and respective Estates and Interests of and in such Lands, Houses, Tenements, or other Heritages; and in case any of the Proprietors or Occupiers of any of the said Lands, Houses, Tenements, and other Heritages, shall through Misinformation be omitted or wrong named or described in the said Schedule, such Misnomer, Omission, or wrong Description shall not afford any Ground or Pretence for the Persons interested, or any of them, to object to or interrupt the Execution of this Act, provided it shall be proved to the Satisfaction of any Two Justices of the Peace for the County of *Lanark*, and be declared under their Hands, that such Misnomer, Omission, or erroneous Description shall have arisen from Accident or Mistake, and was not wilful.

Bodies Politic empowered to sell and convey.

XXXVIII. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity whatsoever, who are or shall be seised, possessed of, entitled to, or interested in any of the said Lands, Houses, Tenements, or other Heritages, whether by Title held in Fee Simple, or under Entail or otherwise, to contract and agree for, sell and convey to the said Magistrates and Town Council or their aforesaids, all or any such Lands, Houses, Tenements, or other Heritages, or any Part thereof, for the Purposes aforesaid; and that all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all Trustees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, Incumbrances, and all other Persons whomsoever aforesaid, are and shall be hereby indemnified for what they shall do by virtue of and in pursuance of this Act.

If Parties refuse to treat, &c. the Magistrates and Council may apply to the Sheriff.

XXXIX. And be it further enacted, That in case any Owner, Proprietor, Occupier, Trustee or Trustees, Heirs of Entail, or Tutors and Curators, Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, interested as aforesaid, after a written or printed Notice of Twenty-one Days given to them, if they reside within the County of *Lanark*, personally or at their respective Dwelling Places, or if they reside without the said County, left with some Tenant or Tenants in Possession of such Lands, Houses, Tenements,

and Heritages respectively, shall neglect or refuse to treat, or shall not agree for the Sale of such Lands, Houses, Tenements, or Heritages, or any Part or Parts thereof, or for their Interest therein, or by reason of Absence or other Circumstances shall be prevented from treating, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim, to the Satisfaction of the said Magistrates and Town Council, then and in every such Case it shall and may be lawful to and for the Magistrates and Town Council or their aforesaids to apply by Petition to the Sheriff Depute of the County of *Lanark*, or his Substitute at *Glasgow*, setting forth this Act, and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting, for the Sale of the said Lands, Houses, Tenements, or Heritages, or have not produced or evinced a clear Title to the Premises they are in Possession of, or to the Interest they claim, and therefore praying him to fix and ascertain the just Amount and Value of such Lands, Houses, and Heritages respectively; and it shall and may be lawful to the said Sheriff Depute or Substitute, and he is hereby empowered and required, upon receiving such Petition, to order Notice thereof to be given by Advertisement in all the *Glasgow* Newspapers, and also particular Notice to be given to the Owners and Occupiers of the said Houses, Tenements, or Heritages, if they reside within the County of *Lanark*, personally, or by leaving at their respective Dwelling Houses, or if they reside without the said County at the Dwelling House of One of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers and Objections, if they any have, within Ten Days after such Notice; after which Time is elapsed, it shall and may be lawful for the said Sheriff Depute or Substitute, and he is hereby empowered and required, to issue his Precept or Precepts for summoning and impannelling a competent Number of substantial and disinterested Persons, Proprietors of Lands, Houses, or Heritages within the said City of *Glasgow*, in Number not less than Twenty nor more than Thirty, each of them seised of an Estate valued at Twenty Pounds Sterling of yearly Rent in the Cess or Stent Roll of the said City, which Persons so to be summoned and returned are hereby required to appear before the said Sheriff Depute or Substitute at such Time and Place as in the said Precept or Precepts shall be directed and appointed, of which Time and Place for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in all the *Glasgow* Newspapers, at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned the said Sheriff Depute or Substitute shall appoint a Jury of Fifteen Persons, before whom the said Magistrates and Town Council, and the Parties interested, may bring a Proof by habile Witnesses for estimating and ascertaining the just and real Value and Price to be paid by the said Magistrates and Town Council or their aforesaids for the said Lands, Houses, Tenements, or other Heritages, including such Damages as may be suffered by the Proprietors of Ground or their Tenants, by throwing down their Fences, and opening their Grounds, or otherwise; and the said Sheriff Depute or Substitute is hereby authorized to summon before him such Person or Persons

Sheriff to summon a Jury to ascertain Purchase Monies, &c.

Sheriff to swear Jury and Witnesses, &c.

Persons as shall by either Party be thought necessary to be examined as Witnesses before the said Jury touching or concerning the Premises, and also to compel the Parties interested, and all other Persons having in their Custody or Possession any Title Deeds, or other Papers containing the Rights of or relative to the Premises, to exhibit and produce the same in Judgment before the said Jury; and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses in the Matters aforesaid; and the said Sheriff Depute or Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall take or cause to be taken down in Writing the Depositions of the Witnesses, and shall and may adjourn the Proceedings from Time to Time until the Proof shall be concluded, and afterwards the Jury shall return their Verdict in Writing, either from their own proper Knowledge, in case no Proof be adduced, or upon the Evidence adduced, ascertaining the Value of the said Lands, Tenements, Houses, or other Heritages, in such Manner as to them shall seem just; and shall distinguish and ascertain in their said Verdict the Share or Proportion of the Purchase Monies to be paid as a Recompence or Damages to the Tenants or Occupiers of such Lands, Tenements, Houses, or other Heritages, or any other Person having any particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein; which said Verdict shall be final and binding upon all Parties, who shall be obliged to perform to each other their respective Parts of the same; and a Copy thereof shall be fairly written on Paper or Parchment, signed by the Foreman of the Jury and the said Sheriff Depute or Substitute, and entered in the Records of the Sheriff Court of the County of *Lanark*, kept at *Glasgow*; and the same, or official Copies or Extracts thereof, signed by the proper Officer, shall be taken and deemed as good and lawful Evidence in all Courts of Law and Equity whatsoever; and all Persons shall have Liberty to inspect the same, paying for every Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Sheriff to impose Fines on Jurymen and Witnesses not appearing, &c.

XL. And be it further enacted, That the said Sheriff Depute or Substitute shall have Power; and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds, on any Person who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn (or, being Quakers, to affirm) on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn (or, being Quakers, to affirm), or who being sworn shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and shall or may from Time to Time levy such Fine or Fines by Distress and Sale of the Offender's Goods, together with the reasonable Charges

of

of such Distress and Sale, returning the Overplus, if any, to the Owner; and also shall or may use such Compulsitors as are competent by the Laws and Practice of *Scotland*, to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodiars of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the Purposes of this Act.

Provision as to Expences.

XLI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Magistrates and Council, as a Recompence or Satisfaction for any such Lands, Tenements, or Heritages as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Magistrates and Council out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after Demand made thereof from the said Magistrates and Council, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Magistrates and Council, or of any Goods or Chattels of the Treasurer or Treasurers of the said Magistrates and Council, (unless such Treasurer or Treasurers shall pay such Costs and Charges, out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Lanark*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Magistrates and Council, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Magistrates and Council; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Magistrates and Council, the Costs and Charges so incurred shall be borne by the said Magistrates and Council in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Lanark* not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Magistrates and Council as aforesaid, the Amount thereof having been

first paid by the said Magistrates and Council, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of such Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs or Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Magistrates and Council from the Party or Parties liable to the Payment thereof, by Action in any competent Court in *Scotland*, together with full Costs of Suit.

Power to enter on Payment or Consignation of the Purchase Monies.

XLII. And be it further enacted, That upon Payment of such Sum or Sums of Money, so to be settled and ascertained as aforesaid, within Three Calendar Months after the same shall have been so settled or determined, to the lawful Owners and Proprietors of the said Lands, Houses, Tenements, or other Heritages, or upon judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the Sheriff for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not; or in case he, she, or they shall not be found, or shall not be able to evince a Title to the Premises to the Satisfaction of the said Sheriff Depute or Substitute, or that the Subjects are encumbered or entailed so that the Price of the same cannot be legally paid to the Parties interested, then upon Payment and Consignation thereof, with the Approbation and Warrant of the said Sheriff Depute or Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or *British* Linen Company, for the Use of the Parties interested, there to remain till it shall be issued in Manner by this Act directed, and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence being adduced of the said Payment or Consignation, or if the Party or Parties interested have not made such Appearance, and reside within the County of *Lanark*, then upon such Notice being made to them personally or at their Dwelling Houses, but if they reside without the said County, or cannot be found, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises by a Notary Public and Witnesses, and the Evidence being adduced of the said Payment or Consignation, then and in any of these Cases it shall be lawful for the said Sheriff Depute or Substitute to decern and adjudge the full Right and Property of the Lands, Houses, Tenements, and other Heritages respectively, to belong to the Magistrates and Town Council of the City of *Glasgow*, for and in behalf of the Community and Corporation of the said City, or to their aforesaids, as fully and effectually as if the respective Proprietors had disponed and conveyed, or had resigned the same to and in favour of the said Magistrates and Town Council, or their foresaids; and it shall then, and not before, or otherwise, be lawful to and for the said Magistrates and Town Council, or their foresaids, to enter upon the Premises, and to convert and dispose of the same for the Purposes of this Act.

XLIII. Pro-

If Purchase Monies not paid within Six Months, Verdict not to be binding on the Owners, &c.

XLIII. Provided always, and be it further enacted, That in case the Sum or Sums of Money so assessed by the said Jury, and ordered and adjudged by the said Sheriff Depute or Substitute to be paid to the Owners, Occupiers, and others, for their respective Interests in the Premises aforesaid, shall not be paid, tendered, or consigned, as herein directed, within Six Calendar Months next after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury and the Order and Adjudication of the said Sheriff Depute or Substitute shall not be binding on the said Parties, Owners, Occupiers, and others, but shall continue binding on the said Magistrates and Town Council or their aforesaids; any thing herein to the contrary notwithstanding.

Where only a Part is wanted, Magistrates and Town Council to purchase the Whole, if required.

XLIV. Provided always, and be it further enacted, That in case of a Part only of any House, Building, or Tenement being wanted for making, widening, or extending the said Streets or any of them, the Proprietors, Life Renters, and Possessors of such Houses, Buildings, and other Tenements aforesaid, shall be entitled, if they so incline, to receive and be paid the full and adequate Value of the Whole of such Houses, Buildings, and other Tenements, and which the said Magistrates and Town Council or their foresaids shall be and they are hereby obliged to purchase, account for, and pay accordingly, as the same shall be agreed on or determined in case of Difference in the Manner herein directed.

Magistrates and Town Council may re-sell.

XLV. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council and their foresaids to sell and dispose of such Part or Parts of the Grounds, Houses, and Tenements as may be purchased by them, and as shall not be wanted for the Purposes of this Act, and to apply the Money arising therefrom towards the Expence of carrying this Act into Execution.

Persons from whom Lands have been purchased shall have the first Offer of Repurchase.

XLVI. Provided always, and be it further enacted, That the said Magistrates and Town Council and their foresaids, before they shall sell and dispose of such Ground, Houses, or Tenements, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Ground, Houses, or Tenements, if at the Time known to them, or to the Heirs of such Person or Persons; the Price at which the same shall be re-sold being, at the Option of the said Person or Persons, either the Price paid by the said Magistrates and Council or their foresaids, or a Price for the same adjusted and settled by a Jury in like Manner as the Price for any Premises to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof; and the Costs and Charges of adjusting and settling the same shall be defrayed and borne in like Manner as herein-before is directed with respect to Purchases made by the said Magistrates and Council or their aforesaids, *mutatis mutandis*; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case any Affidavit to be made and sworn before One of His Majesty's Justices of the Peace for the County of *Lanark*, by some Person or Persons no way interested in the said Ground, Houses, or Tenements, stating that such Offer was made

made by or on behalf of the said Magistrates and Town Council or their foresaids, and that such Offer was then and thereupon not agreed to, or was not answered, or refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused, or not answered, by the Person or Persons to whom it was made, as the Case may be.

Power to sell Materials, &c. not wanted.

XLVII. And be it enacted, That after the Purchase of any Houses or Tenements which may be found necessary for the aforesaid Improvements, the said Magistrates and Town Council or their foresaids shall and they are hereby authorized and empowered to sell by Public Auction or otherwise, on Payment of an adequate Price, the old Materials of such Houses and Buildings, if any be, as well as the remaining Grounds or Areas along the Line or Course of the aforesaid Streets, and the Price thereof shall be applied to and for the Purposes of this Act.

Application of Compensation when exceeding 200*l.*

XLVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Ground, Houses, or Tenements purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Encumbrances, or shall belong to any Incorporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Ground, Houses, or Tenements, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Encumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Ground, Houses, or Tenements, or affecting other Ground, Houses, Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Ground, Houses, Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Ground, Houses, or Tenements, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Ground, Houses, Lands, Tenements, or

Heritages, so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

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

When 20*l.* or less.

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

In case of not making out Titles, &c.

LI. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Ground, Houses, or Tenements to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Magistrates and Town Council or their foresaids, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Ground, Houses, or Tenements be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Magistrates and Town Council or their foresaids to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Ground, Houses, or Tenements (describing them), subject to the

Purchase Money to be paid into the Bank, subject to the Order of Court of Sessions.

the Order, Control, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and is hereby empowered in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, of such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money.

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

The Court may order reasonable Expences of Purchases to be paid by the Magistrates and Town Council.

LIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Ground, Houses, or Tenements to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Ground, Houses, or Tenements, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such Purchases, or so much thereof as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Magistrates and Town Council or their foresaids.

LIV. Pro-

Notice to be given to Owners, &c.

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

Expences of Act how to be paid.

LV. And be it further enacted, That the Expences incurred in applying for and obtaining this Act shall be paid and defrayed as follows; that is to say, One Third thereof from the Duties to be levied in the said Horse Market, One Third thereof from the Tolls to be levied on the said proposed Communication between the Great Roads leading to *Garscube* and *Kirkintilloch*, and the Remainder thereof to be paid and defrayed from the common Funds of the said City.

Appeal.

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

Public Act.

LVII. 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 and Justices and others, without being specially pleaded.

SCHEDULE

SCHEDULE referred to in the preceding Act.

New Market for the Sale of Raw Hides, proposed to be erected adjacent to the Slaughter House.

Alexander Campbell, residing in Largs, and the other Representatives of the late Mrs. Rattray.

The Incorporation of Fleshers.

New Street running Eastward to the High Street, in Continuation of Ingram Street, from the West Boundary of the Ramshorn Church Yard.

Gilbert M'Call, Cordiner in Glasgow.
William Kippen, Manufacturer there.
Mrs. Taylor, (2 Lairs,) Residenter there.
4 Lairs for which the Name of no Proprietor can be found.
Joseph Bain, Mail-Coach Office, Glasgow, and Malcolm Bell.
Heirs of the late James Jeffray, Architect.
Archibald Cuthill, Writer, and Miss Stirling Knox.
Heirs of —— Woodrop.
Robert M'Brayne, Merchant, for the Heirs of Archibald Wright, Druggist.
David Buchanan of Drumpellier.
Major Monteith of Cap.
John Robison, residing in Edinburgh.
Heirs of William Scott, late Leather Merchant.
Archibald Spiers of Elderslie.
Heirs of James Lambie, late of Jamaica.
Heirs of James Jamieson, late Merchant in Glasgow.
Joshua Heywood, late Merchant in Glasgow.
John Ballantyne, late Tinsmith in Glasgow.
Robert Mungal, late Merchant there.
Miss Barr and Mrs. Irvine, residing there.
Andrew M'Farlane, Wright there.
William Simpson, Manufacturer there.
Graham & Mitchell, Writers, Doers for Mrs. M'Vain.
Spencer Lockhart, Merchant there.
James Rae, Hammerman there.
Heirs of John Picken and Dr. Stevenson.
Heirs of Alexander Allan, Merchant, Glasgow.
John Buchanan of Ardock, M. P.
Duncan M'Alpine, residing at Shawfield.
Messrs. Caldwell & Stirling, residing at Govan.
William Stirling, Merchant in Glasgow.
Heirs of A. Faulds, Maltman there.
Heirs of Robert Ranken, Carter there.
William Stirling, for Miss Coates and the Heirs of Archibald Coates.
Allan Stevenson, Merchant in Glasgow.
Heirs of Adam Dougal, Merchant there.
Heirs of John M'Coull, Merchant there.
Heirs of William Campbell, Merchant there.
Heirs of Andrew Dick.
Heirs of Robert Wood.
Adam Paterson, Cordiner, and the Family of Gavin Rowat.
Matthew Cleland of Springfield.
William Leckie of Broich.

William Porteous, Glazier there.
John Coats, Merchant there.
Andrew Hosie, Merchant, Gorbals.
Rev. Charles Gracie, Glasgow.

M'Pherson & M'Lachlan, Writers, Doers for —— M'Pherson.
Daniel M'Kenzie, Merchant there.
George Stewart, residing at Callander.
John M'Farlane, Singer, Glasgow.

New Street in Continuation of College Street, from Shuttle Street on the East to North Albion Street on the West.

The Preses and Managers or other Members or Proprietors of the Chapel in Greyfriars Place, in Connection with the United Secession Church.

Messrs. Paul, Candlemakers in Glasgow.
Daniel Mackenzie, Merchant there.

New Street in Continuation of North Albion Street Southward to Canon Street, or Ingram Street, as widened and continued under this Act.

The Preses and Managers or other Members or Proprietors of the Meeting House, or Chapel of Ease, in North Albion Street, belonging to the Free Presbyterian Society.

The Preses and Managers or other Members or Proprietors of the Chapel in Greyfriars Place, in Connection with the United Secession Church.
Daniel Mackenzie, Merchant in Glasgow.

New Road to be formed from Buchanan Street a little to the North of the Junction of the Sauchiehall Road with the said Street, Eastward, to the Road leading from Glasgow to Kirkintilloch.

Captain Stirling, and the other Representatives of Mrs. Rae Crawford, — Lands, and Garden Ground, and Houses.
The Heritors of the Barony Parish of Glasgow, — Lands, and Garden Ground, and Houses.
The Rev. Dr. Burns, as a Feuar on the Glebe.
The Rev. Dr. M'Farlane of the Inner High Church, as representing the Feuars of the Glebe connected therewith.
The Managers of the Deaf and Dumb Institution.
Robert M'Omish, James Mathieson, John M'Auslan's Heirs, Thomas Stewart, —— Gray, } Lands, Garden Ground, and Houses.
Robert Grahame, for Self, and for Sir William Maxwell and others.

—— Wood's Heirs.
The Incorporation of Tailors of Glasgow.
Thomas Watson, — Lands, and Garden Ground, and Houses, Glasgow.
The Managers of the Lunatic Asylum, Glasgow.
George Rutherford, Merchant there.
Alexander M'Auslan, Seedsman there, and others.
James Hamilton of Holmhead, and the other Representatives of the late Peter Bell.
John Alston of Westerton, Statute Labour Trustees, William Wilson, —— M'Farlane, —— Mitchell, } Lands, Garden Grounds, and Houses.
Archibald Mackie, and others.
Thomas Falconer, for Self or others.
Mrs. M'Culloch.

Area of Ground on the East Side of Candleriggs Street in Glasgow, formerly used as a Bowling Green.

Robert Crawford, Son of the deceased Robert Crawford of Possil, and Miss Janet Crawford, William Ballantine, W.S., and Walter Ballantine, surviving Tutors, Curators, Guardians, and Trustees, nominated by the said deceased Robert Crawford.

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