ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xxxiv.

An Act for the Dissolution of the "*Union Arcade* Company" (*Glasgow*), and for the Abandonment of the Undertaking. [28th *May* 1852.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for constructing and maintaining an Arcade between* Argyle Street *and* Great Clyde Street *in the City of* Glasgow, *to be called* "*The* Union Arcade," *and for altering the Site of an intended Foot Passenger Bridge across the* Clyde *at* Glasgow: And whereas certain Lands and Houses in the Line of the said intended Arcade have been acquired and are now held by certain Parties, in trust for the *Union Arcade* Company, but no Portion of the Works authorized by the said recited Act to be constructed has been executed, and the Construction of the Arcade has never been commenced: And whereas it has become expedient that the Company established by the said Act should be dissolved, and the Undertaking abandoned, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Com- 9 & 10 Vict. c. 41.

mons, in this present Parliament assembled, and by the Authority of the same,

Undertaking to be abandoned.

I. That from and after the passing of this Act the said Undertaking called "The *Union Arcade*," authorized to be made by the *Union Arcade* Act, 1846, shall be abandoned, and all the Powers granted to the Company by the said Act or otherwise touching the Construction, Maintenance, or Management of the said Undertaking shall cease, and the Company shall exist only for the Purpose of discharging their Debts, Contracts, and other Liabilities, collecting their Assets, distributing their Funds, and winding-up their Affairs, and when and so soon as the same shall have been accomplished the Company shall be dissolved and the said recited Act repealed.

Short Title of Act.

II. That in citing this Act in any other Act of Parliament, or in any legal Instruments or Pleadings, it shall be sufficient to designate the same as "The *Union Arcade* Company (*Glasgow*) Dissolution Act, 1852."

Company released from any further Liability to make, maintain, &c. the Arcade.

III. That, subject to the Provisions herein contained, the Company shall be and they are hereby absolutely and entirely released, exonerated, and discharged of and from all Obligation or Liability to make, maintain, and support the said Arcade, or any of the Works which they are by the said Act or otherwise authorized or empowered to make and maintain, or to purchase or take any of the other Lands not already acquired which they are by the said Act or otherwise authorized to purchase or take.

Notice of Dissolution to be published.

IV. That Notice of the Abandonment of the Undertaking shall be given by Advertisement published once in the *Edinburgh Gazette* and once for Three successive Weeks in One of the Newspapers published in the City of *Glasgow*.

Period within which Claims to be made.

V. That within Twelve Months after the last of such Publications all Persons having any Claim or Demand upon the Company in respect of any Contract or Agreement which shall have been legally entered into by the Company, and which will be determined by reason of the Abandonment of the Undertaking, shall give Notice in Writing to the Company of such Claim or Demand, and shall state the Particulars thereof, and the Amount claimed in respect thereof.

Disputes as to Debts and Compensation.

VI. That any Person with whom any such Contract or Agreement shall have been entered into by the Company shall be entitled to Compensation for any Loss or Damage that he may have sustained by reason of the Nonfulfilment thereof; and if any Dispute shall arise as to the Amount of any Debt due by the Company, or as to whether

whether any and what Compensation shall be made by the Company for the Breach of any Contract or Agreement determined by the Abandonment of the Undertaking, the same may be settled by Arbitration in manner provided by the "Lands Clauses Consolidation (*Scotland*) Act, 1845."

Lands purchased to be re-sold.

VII. That whereas certain Parties purchased and acquired by voluntary Sale certain Pieces of Land and Houses in the Line of the said intended Arcade for the Purposes thereof, which Lands and Houses are particularly set forth and described in the Schedule (A.) hereunto annexed, and now stand vested in the several Names of *James Sommerville* (since deceased), *Alexander Hastie*, *John Gilmour* or *John Gilmour* junior, *William Campbell*, *John Bain*, *John Henderson*, and *John Mitchell*, or some of them, and their respective Heirs and Assignees, and the same were purchased with the Monies of the Company, and are held by the said Parties in trust for the Company, by virtue of certain Dispositions and Conveyances executed in their Favour, or in favour of One or more of them: It shall be lawful for the Company, without making up any other Title thereto, to sell and convey the said Pieces of Land and Houses, and which are more particularly described in the Schedule (A.) hereunto annexed, or any Part thereof, in such Manner and for such Considerations and to such Persons as they may think proper.

Conveyance to Purchasers.

VIII. That Dispositions and Conveyances of the said Pieces of Land and Houses, or any Parts or Portions thereof, to the Purchasers thereof, under the Seal of the Company, in the Form set forth in the Schedule (B.) hereunto annexed, or as near as may be, and signed by the Secretary of the Company for the Time being, shall of themselves be sufficient for denuding the said several Persons in whom respectively the same are now vested, and their respective Heirs and Assignees thereof, and for vesting the same in the Purchasers and Disponees to whom the Company may contract and agree to sell the same; and such Dispositions and Conveyances, followed by Sasine duly registered, shall form good and valid Titles to such Pieces of Land and Houses in favour of such Disponees, any Law or Practice to the contrary notwithstanding.

Actions, &c. not to abate.

IX. That no Debt due to or from the Company shall be discharged; and no Action, Suit, or Proceeding whatsoever, commenced or to be commenced either by or against the Company, shall abate or be discontinued by virtue of the Provisions of this Act, but the same shall continue as well in favour of as against the Company until the same be brought to a Termination, in the same Manner and in all respects as the same would have done if this Act had not been passed.

X. That

As to Distribution of the Funds of the Company.

X. That the Funds and Property of the Company shall be from Time to Time applied, under the Control and Superintendence of the Directors, in the first place in the Payment of the Costs and Expenses of applying for and obtaining and passing this Act, or which shall be incurred by the Company or the Directors in carrying into effect the Provisions of this Act, and then, according to the due Order of Administration of the Assets and Funds of the Company, in or towards Payment of the Debts and Liabilities of the Company, or any Composition thereupon, and any Compensation as aforesaid, and, subject to such Payments, the Monies and Funds of the Company shall be paid and distributed, under the like Control and Superintendence, among the Persons for the Time being entitled to Shares in the Company.

If adverse Claims be made, Money may be paid into Bank.

XI. That if in the course of winding-up the Affairs of the Company Two or more Persons shall claim to be entitled to the same Share, or to the Money which may be payable in respect thereof, or to any Part of such Money, then and in such Case it shall be lawful for the Directors and they are hereby authorized and required to pay the Money which shall be payable in respect of the Share the Title to which shall be so in dispute into any of the chartered Banks in *Scotland* in the joint Names of One or more of their Number and of the Persons claiming such Share, and which Money shall be applied and paid to the Person who shall establish a legal Right thereto, subject to the necessary Costs and Charges incurred by the Directors in relation to the Monies so deposited as aforesaid.

Provisions as to Shares and Debts belonging to unknown or incapacitated Persons.

XII. That as concerning any Share in the Capital of the Company the Owner or the Person entitled to which shall not be known or cannot be found, or in respect of which there shall be no Person competent to receive and give an effectual Discharge for the Monies payable in respect thereof on the Distribution of the Funds of the Company, it shall be lawful for the Directors to deposit and pay into any of the chartered Banks in *Scotland*, in the joint Names of any Two or more of their Number, such Proportion or distinct Proportions of the Monies to arise from the Property of the Company as shall correspond with or represent or be payable in respect of such Share, and the Money so to be deposited and paid shall be applied and paid to the Person who shall establish a legal Right thereto, subject to the necessary Costs and Charges incurred by the Directors in relation to the Monies so deposited as aforesaid.

Money, until wanted for Distribution, to be deposited in Bank, or invested.

XIII. That in the meantime and until the Funds of the Company shall be applied or distributed in pursuance of the Provisions of this Act, the same, or so much thereof as the Directors in their Discretion may think expedient, may be deposited by them in any of the chartered

chartered Banks in *Scotland*, at such Rates of Interest as can be procured therefor, or invested in the Names of any Three or more of them, in the Purchase of Exchequer Bills, or of any of the Stocks, Funds, or Government Securities of *Great Britain*, with Power to vary such Deposits and Investments from Time to Time, and to convert the same into Money, in their Discretion.

Directors appointed.

XIV. That *William Campbell*, *John Gilmour*, *John Bain*, *Moses Hunter*, *Robert Walker*, *Thomas Blyth*, *James M'Nee*, and *Samuel M'Culloch*, or the Survivors of them, and so long as duly qualified, shall be Directors of the Company until the final Dissolution thereof: Provided nevertheless, that in case the Number of Directors above named shall from any Cause be reduced to Three, it shall be in the Power of the Company to fill up the Vacancies in the Manner provided by the said recited Act.

Quorum for General Meetings.

XV. That the Quorum for every General Meeting of the Company shall be Fifteen Shareholders holding in the aggregate not less than Five hundred Pounds in the Capital of the Company, anything in the said recited Act to the contrary notwithstanding.

Power of Company to continue until the Debts due to and by them are received and paid.

XVI. That after the Abandonment of the Undertaking, and until all the Property of the Company shall be resold and realized, and all the Debts and Monies due or thereafter to become due to the Company, and all Calls made or to be made on the Shareholders, shall have been received and recovered by the Directors, or shall have been released, extinguished, or finally abandoned by the Directors (as they are hereby empowered in their Discretion to do), and until all Debts, Monies, and Compensation claimed or which may become due or be claimed as herein-before provided shall have been fully paid, settled, and discharged by the Directors, the Company shall continue, with the like Powers to use a Common Seal, and to sue and be sued, and with all such other Powers as they now have, subject to the Provisions herein contained; and the Directors shall, after the Abandonment, have full Power to do and perform all other Acts and Things necessary or expedient to be done and performed for recovering and compelling Payment of the said several Monies respectively, and for winding up the Affairs of the Company, and for compounding for and settling its Debts and Obligations; and they are hereby empowered and required to sue for and recover all Calls already made and past due, and to make all such further Calls on the Shareholders of the Company as may be necessary to meet the Liabilities of the Company: Provided always, that it shall not be lawful for the Directors or for the Company to enter into any new Contract or incur any fresh Liability, excepting in so far as the same may facilitate the winding up the Affairs of the Company.

Interpretation of Terms.

XVII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include Corporation:

The Expression "Lands" or "Pieces of Land" shall extend to Houses, Lands, Tenements, Heritages of any Description or Tenure:

The Expression "the Undertaking" shall mean "The *Union Arcade*" and the Works connected therewith:

The Expression "The Company" shall mean the "The *Union Arcade* Company" and their Successors and Assignees:

The Expression "the Directors" shall mean the Directors for the Time being of "The *Union Arcade* Company."

Expenses of Act.

XVIII. That all the Costs, Charges, and Expenses connected with the passing of this Act, or of carrying the same into effect, shall be paid by the Company.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Description of Lands and Houses.	From whom acquired, and Dates of Conveyance.	In whom now vested.
(1.) All and whole the Northmost Half of the Lands and Houses, and Half of the Close and Pertinents, which belonged to the deceased Finlay Steven, lying on the West of the Street Wynd or Saint Enoch's Wynd of Glasgow, bounded and described as in the Title Deeds thereof, with the haill Pertinents thereto belonging.	From Charles Plummer, Esquire, of Middlestead, with Consent of James Williamson, Esquire, of Cardrona, Mrs. Eliza Kerr or Scott, Widow of Charles Balfour Scott, Writer to the Signet, Edinburgh, and William Williamson Kerr, Esquire, late of Oriel College, Oxford, Trustees of the Misses Janet and Alison Williamson, and George Hughes and James Mylne, Writers to the Signet, Factors and Commissioners for the said William Williamson Kerr, and James Smith, Architect in Glasgow; 16th and 21st October, and 3d November 1846.	James Sommerville, Merchant in Glasgow, Alexander Hastie, Merchant there, John Gilmour, Merchant there, William Campbell of Tillichewan Castle, Merchant in Glasgow, John Bain, of Morriston, John Henderson of Park, and John Mitchell, Merchant, Glasgow, and their Heirs and Assignees.
(2.) All and whole that Plot or Area of Ground, containing 1,736 Square Yards or thereby, Imperial Standard Measure, bounded on the North by the Front of the Foot Pavement on the South Side of Howard Street, on the South by the central Line of Fox Street, on the East by Property now or lately belonging to Archibald M'Lellan, Coach-maker in Glasgow, and on the West by Property now or lately belonging to Mr. James Thomson, sometime Wright and Builder in Glasgow, with the haill Pertinents thereto belonging.	Archibald M'Lellan, Coach-maker in Glasgow, with Concurrence of John Wilkie, Writer in Glasgow; and Lawrence Robertson, Cashier at Glasgow of the Royal Bank of Scotland; 10th, 16th, and 29th September 1846.	James Sommerville, Merchant in Glasgow, Alexander Hastie, Merchant there, John Gilmour, Merchant there, William Campbell of Tillichewan Castle, Merchant in Glasgow, John Bain of Morriston, Merchant in Glasgow, John Henderson of Park, Merchant, Glasgow, and John Mitchell, Merchant there.

The Union Arcade Company (Glasgow) Dissolution Act, 1852.

Description of Lands and Houses.	From whom acquired, and Dates of Conveyance.	In whom now vested.
(3.) All and haill the Second Flat or Storey, with Two Garrets above the Upper Flat, and Two Cellars in the Close, marked Numbers Five and Six, all as sometime possessed by John M'Nish, Surgeon in Glasgow, as also all and haill the Upper Flat or Storey, with the Two Garret Rooms immediately above the East Part thereof, and entering by an Inner Stair therefrom, also a small Garret adjoining the other Two, together with the Two Cellars below the Tenement marked Numbers Seven and Eight, lying within the Burgh of Glasgow, bounded by Saint Enoch's Wynd on the East, the Lands now or lately of Robert Robertson on the South, the Lands now or lately of George Buchanan on the West; and the King's High Street on the North Parts, with the haill Pertinents thereto belonging.	Mrs. Lilias Oswald or Mitchell, Relict of the deceased Andrew Mitchell, formerly Writer in Glasgow, James Oswald, Esquire, of Auchencruive, Patrick Mitchell of Milton, William Gillespie Mitchell, Merchant in Glasgow, James Mitchell, Andrew Mitchell, and Alexander Oswald Mitchell, all Writers there, Trustees of the said deceased Andrew Mitchell; 15th June 1846.	James Sommerville, Merchant in Glasgow, Alexander Hastie, Merchant there, John Gilmour, Merchant there, William Campbell of Tillichewan Castle, John Bain of Morriston, John Henderson of Park, and John Mitchell, Merchant in Glasgow.
(4.) All and whole the First Flat or Storey immediately above the Shops, with the whole Cellars, in the Close appertaining to the said Subjects, particularly those marked Numbers Three and Four, as formerly possessed by the deceased Agnes Noble, and now or lately by Colin M'Kenzie as a Tavern, together with the Two Garret Rooms now or lately possessed by Samuel Sibbald, and the Privilege of the House of Office and Dunghill or Middenstead at the Back of said Flat or Storey, and whole Parts or Pertinents thereto belonging, being all Parts and Portions of all and whole that new Tenement of Land, high and laigh, back and fore, lying within the Burgh of Glasgow without the West Port thereof, bounded by Saint Enoch's Wynd on the East, the Lands of Robert Robertson on the South, the Lands of George Buchanan on the West, and the King's High Street on the North Parts, with the haill Pertinents thereto belonging.	John Leadbetter, Merchant in Glasgow, and Jane Carmalt, or Kerr, Widow of the deceased James Kerr, Accountant in Glasgow, Trustees of the deceased Margaret Carmalt, residing in William Street, Calton of Glasgow; 26th and 27th May 1846.	William Campbell of Tillichewan Castle, Merchant in Glasgow, John Henderson of Park, Merchant there, John Bain of Morriston, Merchant there, John Mitchell, Merchant there, James Sommerville, Merchant there, and John Gilmour younger, of Oatlands, Merchant there.
(5.) All and whole these Two Shops, sometime possessed by Mrs. Galloway and Alexander Gardner, with the Two Back Cellars marked Numbers One and Two thereto belonging, being all Parts and Portions of all and whole that new Tenement of Land, high and laigh, back and fore, lying and bounded as herein immediately before described, with the haill Pertinents thereto belonging.	Robert Goodwin, sometime Manufacturer, presently residing in Glasgow, and John Wilkie, Writer there; 9th September 1846.	James Sommerville, Merchant in Glasgow, Alexander Hastie, Merchant there, John Gilmour, Merchant there, William Campbell of Tillichewan Castle, John Bain of Morriston, John Henderson of Park, and John Mitchell, Merchant in Glasgow.

The Union Arcade Company (Glasgow) Dissolution Act, 1852.

Description of Lands and Houses.	From whom acquired, and Dates of Conveyance.	In whom now vested.
(6.) All and whole that Property known by the Name of the Old Kiln, sometime possessed by William Murdoch, Cotton Waste Merchant in Glasgow, and John and William Harvey and Company, Distillers at Yoker, now or lately possessed by John Keith Sim, Merchant, Glasgow, bounded as follows, namely, on the North by the Property of William Sloan, Merchant in Glasgow, on the South by Howard Street, on the East by Saint Enoch's Wynd, and on the West by St. Enoch's Lane, with the haill Pertinents thereto belonging.	John Keith Sim, Merchant in Glasgow, with Consent of John Wilkie, Writer in Glasgow; 19th and 26th May 1846.	James Sommerville, Merchant in Glasgow, Alexander Hastie, Merchant there, John Gilmour, Merchant there, William Campbell of Tillichewan Castle, Merchant in Glasgow, John Bain of Morriston, Merchant in Glasgow, John Henderson of Park, Merchant, Glasgow, and John Mitchell, Merchant there.
(7.) All and whole the Southmost Lot or Division of that Tenement of Houses and Land on the West Side of Saint Enoch's Wynd in Glasgow, with the haill Pertinents thereto belonging.	Alexander Hastie and William Bankier, Merchants in Glasgow, Commissioners, with Consent of George Ord, Trustee on the sequestrated Estate of John Thomson, formerly Chemist in Glasgow; 16th October 1846.	Alexander Hastie, Merchant in Glasgow, James Sommerville, Merchant in Glasgow, John Gilmour, Merchant, Glasgow, William Campbell of Tillichewan Castle, Merchant in Glaspow, John Bain of Morriston, Merchant in Glasgow, John Henderson of Park, Merchant in Glasgow, and John Mitchell, Merchant there.

SCHEDULE (B.)

Form of Disposition and Conveyance referred to in the foregoing Act.

By virtue of "The Union Arcade Company (Glasgow) Dissolution Act, 1852," we "The Union Arcade Company" in consideration of the Sum of £ instantly advanced and paid to us by as the Price thereof, of which we do discharge the said do sell, alienate, and dispone from us and from all Persons to whom the same may have been conveyed, for Behoof of the said Union Arcade Company and their Heirs and Successors, to the said his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here describe the Lands and others*], and all our Right, Title, and Interest therein [*if there are Burdens say*, "but always with and under the Real Burdens, Restrictions, Provisions, "and Obligations specified in an Instrument of Sasine in favour of "recorded in the Particular Register of Sasines at on the "Day of ."] Which Subjects and others were disponed to for Behoof of the said Union Arcade Company, by conform to Disposition of Date the Day of as the same, containing therein Procuratory of Resignation and Precept of Sasine, both still unexecuted, bears, with Entry at the Term of 185 . And we assign the Writs, and have delivered the same according to Inventory, and we assign the Rents, and we bind and oblige ourselves and our foresaids to free and relieve the said and his foresaids of all Feu Duties, Casualties, and public Burdens, and we grant Warrandice from Fact and Deed only; and we consent to the Registration hereof for Preservation. In witness whereof, *&c.*

L.S.

_____ Secretary of the Union Arcade Company.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1852.