Anno ſeptimo

Georgii III. Regis.

CAP. XXVII.

An Act for extending the Royalty of the City of *Edinburgh* over certain adjoining Lands; and for giving Powers to the Magiſtrates of *Edinburgh* for the Benefit of the ſaid City; and to enable His Majeſty to grant Letters Patent for eſtabliſhing a Theatre in the City of *Edinburgh*, or Suburbs thereof.

WHEREAS by an Act of Parliament paſſed in the Twenty ſixth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for erecting ſeveral publick Buildings in the City of *Edinburgh*, and to impower the Truſtees therein mentioned to purchaſe Lands for that Purpoſe; and alſo for widening and enlarging the Streets of the ſaid City, and certain Avenues leading thereunto; it is enacted, That certain Perſons therein named as Truſtees, or any Seven of them, ſhall have full Power and Authority to agree with the Owners and Occupiers of ſuch Houſes as lie on the North Side of the High Street of the ſaid City; and having purchaſed the ſame, to order the ſaid Houſes to be pulled down, and the Ground or Area to be employed in ſuch Manner as the ſaid Truſtees ſhall appoint, for rendering Acceſs to the ſaid City and High Street thereof more eaſy and commodious: Preamble, reciting Act Act 26 *Geo.* II.

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commodious: And whereas the said Trustees, in Execution of the Powers vested in them by the said Act, did erect an Exchange near the Centre of the City; and did afterwards pay over the Balance of the Monies then remaining in their Hands, which amounted to Three thousand Pounds Sterling, or thereabouts, to the Magistrates and Council, to be applied for rendering Access to the City more easy and commodious: And whereas the extending the Limits of the City of Edinburgh has been found necessary, as well for the Benefit of Trade and Commerce, as for the Convenience and Health of the Inhabitants, who are of late greatly increased: And whereas the Lord Provost, Magistrates, and Council of the said City, as well in farther Execution of the before-recited Act, as in View to the Extension aforesaid, have expended large Sums of Money in purchasing Houses and Areas on the North Side of the High Street of the said City, and in building a Bridge, whereby an easy and proper Communication will be opened to the City: And whereas the Grounds after mentioned are without the Royalty of the said City; and it being just and reasonable that the Royalty of the said City should be extended over these Grounds, in Consideration of the great Expence the City has been and will be put to in building the said Bridge, and making the Communication and Access to the said City otherwise easy; and for the equal apportioning of publick Burdens and Benefits, and Administration of Justice amongst all the real Inhabitants of the Place; but as this salutary Purpose cannot be accomplished without the Authority of Parliament, and as the Proprietors of the several Parcels of Ground after mentioned, have either consented, or are bound by their Titles to consent, that their respective Lands shall be included within the Royalty of the City of Edinburgh, Your Majesty's most dutiful and loyal Subjects, the Lord Provost, Magistrates and Council of the City of Edinburgh, on Behalf of themselves and Community of the said City, do therefore most humbly beseech Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and sixty seven, the Royalty of the City of Edinburgh shall be extended over, and comprehend the following Lands, which now belong

The Royalty of the City of *Edinburgh* extended.

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in Property to the ſaid City, videlicet, Thirty four Acres, One Rood, Twelve Falls, and Twenty ſix Ells, being Part of the Lands and Barony of Broughton: Alſo Thirty two Acres of the Lands called Barefoot Parks: Alſo Six Acres, Ten Falls, and Twelve Ells of Lands of Moultreeshill: Alſo Two Acres, Two Roods, Thirteen Falls, and Twenty four Ells, and One Rood, Thirty five Falls, and Twelve Ells, likewiſe Parts of the ſaid Barony of Broughton, and lately purchaſed from James Hogg and Katharine Thomſon: And alſo the Lands called Forglen and Allen's Parks, the Lands of Caltonhill, the Lands of Greenſide, and the Lands of Piccardy (excepting ſuch Parts of the Lands of Calton Hill which lie within the Barony of Weſter Reſtalrigge, and do not belong in Property to the City of Edinburgh) And alſo theſe other Lands which have been feued by the Governors of George Herriot's Hoſpital, to the ſeveral Perſons after-mentioned, under an expreſs Condition and Covenant, that in caſe the Royalty of the City of Edinburgh ſhould at any Time thereafter be extended, ſo as to comprehend their Grounds, they, their Heirs and Aſſigns, or the Proprietors of the ſaid Grounds for the time, ſhould not only be ſubjected to build ſuch Houſes as they ſhall build thereon, agreeably to the Plan to be concerted by the Town Council of Edinburgh, and other Managers for the Time; but likewiſe the ſaid Houſes to be built thereon ſhall be ſubject and liable to pay the ſame publick Burdens as the other Inhabitants of the City are ſubject and liable to pay; videlicet, Four Acres, feued to Hew Crawfurd; Five Acres, Twenty four Falls, and Twenty one Ells, to James Grant; Twelve Acres, One Rood, and Thirty nine Falls, to James Stuart; One Acre, Two Roods, and Nineteen Falls, to Andrew Chalmer; Two Acres and One Rood to John Jardine; Nine Acres, One Rood, Thirty three Falls, and Thirty four Ells, to James Finlay; Two Acres, One Rood, Thirty nine Falls and Half a Fall, to Robert Raeburn; Eleven Acres and Sixteen Falls to Charles Erſkine; Nineteen Acres, Two Roods, Four Falls, and Thirty one Ells, to Alexander Cunninghame; Five Acres, One Rood, Thirty two Falls, and Fifteen Ells, to Robert Anderſon; One Acre, One Rood, and Sixteen Falls, to Thomas Simpſon; One Rood to Thomas Spence; Five Acres, One Rood, Twenty ſix Falls, and Five Ells, to Andrew Chalmer; Twenty ſix Falls to William Lauder; Thirteen Acres, Three Roods, and Fifteen Falls, to William Mure; One Acre, Twenty ſix Falls, and Half a

Fall, to Robert Mylne; Three Acres, Two Roods, and Thirty ſeven Falls, to Robert Anderſon; One Rood, Twelve Falls, and Half a Fall, to Daniel Seton; Twenty three Falls to Patrick Fairley; Two Acres, One Rood, Thirty ſix Falls, and Ten Ells, to Alexander Hunter; and Two Acres, Three Roods, Twenty four Falls, and Thirty two Ells, feued to Lauchlan Hunter: And likewiſe the following Two Parcels of Land, which, by Conſent of the Proprietors, are to be included within the ſaid Royalty; videlicet, Eleven Acres, and Half an Acre, of the Lands of Broughton, belonging to the Heirs of George Drummond Eſquire, deceaſed; and Seven Acres, Three Roods, and Twenty Falls, Part of the Lands of Broughton Parks, belonging to the Governors of George Herriot's Hoſpital: And that the ſaid Magiſtrates and Town Council, from and after the ſaid Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and ſixty ſeven, ſhall have and enjoy the ſame Rights, Privileges, and Juriſdictions, over the ſaid Grounds hereby annexed to and comprehended in the ſaid Royalty, as they do now enjoy and exerciſe over and within the Limits of the preſent Royalty, by any Law, Statute, or eſtabliſhed Cuſtom; and ſhall, and they are hereby impowered to levy the ſame Bails, Duties, Cuſtoms, and other Taxations, within theſe annexed Grounds, in the ſame Manner, and by ſuch Actions at Law, as the ſaid Magiſtrates and Town Council are intitled to uſe, by any Law, Statute, or otherwiſe, within the preſent Royalty, for Recovery of ſuch Bails, Duties, Cuſtoms, and Taxations, as aforeſaid.

Certain Lands on which Country-houſes have been built, exempted from City Taxations.

And whereas ſeveral Parcels of the Lands feued out as aforeſaid by the Governors of George Herriot's Hoſpital, and comprehended within the ſaid Royalty, were granted by the ſaid Governors, and acquired by the Purchaſers for the Purpoſe of building thereupon Country-houſes and Offices, with Gardens and Incloſures adjoining; and it being reaſonable that the Parcels ſo granted ſhould not be ſubjected to the City Burdens and Taxations, ſo long as they ſhall continue to be uſed and occupied in the Manner and for the Purpoſes originally granted; be it therefore enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be underſtood to ſubject to the ſaid City Burdens and Taxations any Country-houſe or Offices, built or to be built on ſuch Parcels of Land as aforeſaid, in any Caſe where the Owner of ſuch Country-houſe is poſſeſſed in Property of at leaſt Three Acres of Ground adjoining

joining to ſuch Country-houſe and Offices, including the Areas of the ſame, and on which there ſhall be no other Buildings, except the Country-houſe and Offices aforeſaid.

Five Acres, of which *John Dickſon* is to obtain a Feu-Right, not to be comprehended in the Royalty without his Conſent.

Provided always, and it is hereby enacted and declared, That the Five northmoſt Acres of the aforeſaid Seven Acres, Three Roods, and Twenty Falls, Part of the Lands of Broughton, belonging to the Governors of George Heriot's Hoſpital, of which Five Acres John Dickſon of Kilbucho Eſquire is to obtain a Feu-Right, by virtue of Articles of Agreement entered into betwixt him and the Magiſtrates and Town Council of Edinburgh, ſhall not be comprehended within the Royalty of the ſaid City of Edinburgh, unleſs the ſaid John Dickſon or his Heirs do, by a written Conſent under his or their Hands, ſignify his or their Willingneſs to have the ſaid Five Acres comprehended within the Royalty of the ſaid City; and that the ſaid Conſent be recorded in the particular Regiſter of Seaſines for the Shire of Edinburgh, within Twelve Calendar Months after the Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and ſixty ſeven; any thing in this Act to the contrary notwithſtanding.

Rights of the College of Juſtice ſaved.

Provided always, and it is hereby ſpecially provided and declared, That nothing in this Act ſhall prejudice the Rights, Privileges, and Immunities, competent to the College of Juſtice; but that whatever Rights, Privileges, and Immunities, belong to them within the preſent City, ſhall likewiſe be underſtood to belong to them within the Bounds over which the Royalty by this Act is extended.

Royalty not extended to the Lands of *Caltonhill*, in the Barony of *Weſter Reſtalridge*, &c.

Provided always, and it is hereby declared, That nothing herein contained ſhall extend to that Part of the Lands of Caltonhill, lying within the Barony of Weſter Reſtalridge, which do not belong to the ſaid City of Edinburgh; or to the Rights, Liberties, and Immunities, preſently enjoyed by the Managers and Truſtees of the Cambrick Manufactures in the Lands of Piccardy before mentioned; all which Rights, Liberties, and Immunities, are hereby expreſsly ſaved and reſerved to the ſaid Managers and Truſtees; any thing herein contained to the contrary notwithſtanding.

Sheriff of *Mid Lothian* to aſcertain the Boundaries.

Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful for the Sheriff of the County of Mid Lothian, and he is hereby impowered and required, upon Application of the Lord Provoſt, Magiſtrates, and Council of the ſaid City of Edinburgh, to aſcertain and ſet off the exact Limits and

Boundaries of the aforeſaid Grounds above deſcribed, agreeable to the Charters and Infeftments granted to the Proprietors of the ſaid Grounds, and that in a ſummary Manner.

Perſons aggrieved may appeal to the Lords of Council and Seſſion.

Provided always, and it is hereby enacted and declared, That it may and ſhall be lawful for any Perſon who apprehends himſelf aggrieved by the Determination of the ſaid Sheriff of the County of Mid Lothian, to apply for Redreſs to the Lords of Council and Seſſion, either by Advocation, Suſpenſion, or ordinary Action, within Twelve Calendar Months after his Determination; and failing of any ſuch Application for Relief within the Time aforeſaid, then the Order and Determination of the ſaid Sheriff is and ſhall be final.

Sheriff and Juſtices of *Mid Lothian* to exerciſe Juriſdiction over the Lands annexed.

Provided always, and it is hereby declared, That it ſhall be competent for the Sheriff of the County of Mid Lothian, and the Juſtices of the Peace for the ſaid County, to exerciſe the ſame Powers and Juriſdictions within the ſaid Lands hereby annexed to and comprehended within the ſaid Royalty, as are competent to the ſaid Sheriff and Juſtices of Peace within the preſent Royalty; any thing in this Act to the contrary notwithſtanding.

Seaſines, *&c.* to be regiſtered.

Provided always, and it is hereby enacted and declared, That all Seaſines, Renunciations, and Reverſions of Lands, and other Subjects, lying within the Limits hereby annexed to and comprehended in the ſaid Royalty, ſhall be regiſtered in the particular Regiſter of Seaſines, Renunciations, and Reverſions, kept at Edinburgh for the Sheriffdoms of Edinburgh, Linlithgow, Haddington, and Bathgate, as they preſently are in uſe to be regiſtered there; any thing to the contrary in this Act notwithſtanding.

Stent Maſters to levy the Ceſs, *&c.*

And be it further enacted by the Authority aforeſaid, That the ſaid Magiſtrates and Town Council of the City of Edinburgh, ſhall have full Power to appoint Stent Maſters to levy from the Proprietors and Poſſeſſors of all ſuch Houſes as are built, or ſhall hereafter be built, upon the foreſaid Grounds hereby annexed to, and comprehended within, the ſaid Royalty, an equal Portion of the Ceſs-Annuity, Poors-Money, and Watch-Money, payable by the City of Edinburgh, in the ſame Way and Manner as the ſame are now levied within the preſent Royalty.

Heritors of *Mid Lothian* to enjoy the ſame Right through the Grounds annexed, as through the City of *Edinburgh.*

Provided always, That the Heritors of the ſaid County of Mid Lothian, and all other Perſon and Perſons whatſoever, ſhall have and enjoy all ſuch Rights and Privileges for tranſporting their Goods and Commodities through

through the whole Grounds hereby annexed, as they now have and enjoy through the Limits of the preſent City of Edinburgh; And that no City Duties or Impoſts for Importation; or otherwiſe, ſhall be claimed or extracted upon Wines, or other Liquors, Timber, or any other Merchandiſe whatſoever, for paſſing through any of the ſaid Grounds hereby annexed, unleſs the ſame ſhall be unpacked or conſumed within the ſaid City and annexed Grounds.

Lands annexed liable to the Ceſs, and publick Taxes.

Provided always, and it is hereby enacted, That the ſeveral Lands hereby annexed to the Royalty of the City of Edinburgh, ſhall, beſides the Ceſs to be levied by the Collector of the Town for and in reſpect of the Houſes and Buildings, remain liable, and be ſubjected to the Payment of a Rateable Proportion of the Ceſs and Land Tax, and other publick Taxes impoſed, or to be impoſed, on the Shire of Edinburgh, for and in reſpect of the Ground, to be levied in the ſame Manner as formerly; any thing in this Act to the contrary notwithſtanding.

All Perſons may exerciſe Trades within Limits of Lands annexed.

Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful to all and every Perſon and Perſons to exerciſe any Trade or Calling within the Limits of the Lands hereby annexed to, and comprehended within, the ſaid Royalty; any thing in this preſent Act to the contrary notwithſtanding: Saving always, and reſerving to the ſeveral Societies and Incorporations within the City of Edinburgh, all ſuch Rights and Privileges which do now belong and are enjoyed by them within the Limits of the preſent Royalty of the ſaid City.

Saving to the Tenants holding under Tacks from the City of *Edinburgh*.

Provided always, and it is hereby expreſsly declared, That nothing herein contained ſhall extend to, or prejudice, the Rights of Tenants holding under Tacks from the City of Edinburgh any of the Lands hereby annexed to, and comprehended within, the ſaid Royalty, and belonging in Property to the Community of the ſaid City.

Grounds annexed to the Royalty of the City, annexed to the Pariſh of St. *Giles*.

Provided always, and be it enacted, That the aforeſaid Grounds hereby annexed to, and comprehended within, the Royalty of the City of Edinburgh, ſhall be, and they are hereby, for ever after, disjoined from the Pariſh of Saint Cuthbert's or Weſtkirk, and South Leith, and are hereby annexed to the Pariſh of Saint Giles within the City of Edinburgh.

Lands disjoined from the Pariſhes of St. *Cuthbert's* and *South Leith*,

Provided always, That the Lands hereby disjoined from the Pariſhes of Saint Cuthbert's and South Leith, and the Heritors thereof, ſhall remain liable and be ſubjected

ſubject to Miniſters Stipends, &c.

to the Miniſters Stipends, and other Parochial Burdens; and that the Tythes payable out of the Lands hereby annexed, ſhall be, and the ſame are hereby, ſaved and reſerved to the true Owners thereof, in the ſame Manner as if this Act had never paſſed.

Patronage of Churches built on annexed Lands, to belong to the City of *Edinburgh*.

Provided always, and be it enacted by the Authority aforeſaid, That the Right of Patronage of ſuch Churches as ſhall be built and endowed by the Community of the City of Edinburgh upon any of the ſaid Grounds hereby annexed to, and comprehended within, the ſaid Royalty, ſhall, and is hereby declared, to belong to the ſaid City of Edinburgh, in the ſame Manner as the ſaid City holds the Patronages of the Churches within the ancient Royalty.

Saving to His Majeſty and others.

Saving alſo, and reſerving to His Majeſty, and all other Perſon or Perſons concerned, all Rights and Intereſts (other than the preſent Extenſion of the ſaid Royalty) which they had, have, or may have, in the Lands hereby annexed.

A Theatre to be eſtabliſhed at *Edinburgh*.

And whereas a licenſed Playhouſe is much wanted in that Part of the United Kingdom called Scotland, be it therefore further enacted by the Authority aforeſaid, That ſo much of an Act of Parliament which paſſed in the Tenth Year of his late Majeſty's Reign, intituled, An Act to explain and amend ſo much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants, into One Act of Parliament; and for the more effectual puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent*; as relates to common Players of Interludes; whereby all Perſons are diſcharged to repreſent any Entertainment of the Stage whatever, in virtue of Letters Patent from His Majeſty, or by Licence of the Lord Chamberlain of His Majeſty's Houſhold for the time being, except within the Liberties of Weſtminſter, or where His Majeſty is reſiding for the time being, be, and the ſame is hereby, repealed, ſo far as the ſame reſpects the City of Edinburgh: And that it ſhall and may be lawful to His Majeſty, His Heirs, and Succeſſors, to grant Letters Patent for eſtabliſhing a Theatre or Playhouſe in the City of Edinburgh, or Suburbs thereof, which ſhall be intitled to all the Privileges, and ſubjected to all the Regulations, to which any Theatre or Playhouſe in Great Britain is intitled and ſubjected.

Publick Act.

Provided always, and it is hereby declared, That this Act is a Publick Act; and ſhall be deemed and taken Notice of as ſuch by all Judges, Juſtices, and others, in all Courts and Places, without ſpecially pleading the ſame.

FINIS.