Anno octavo

Georgii III. Regis.

CAP. XVI.

An Act for making and widening a Paſſage or Street from *The Salt Market Street*, in the City of *Glaſgow*, to *Saint Andrew's Church*, in the ſaid City; and for enlarging and compleating the Church-yard of the ſaid Church; and for making and building a convenient Exchange or Square in the ſaid City; and alſo for explaining and amending an Act paſſed in the Thirty ſecond Year of His late Majeſty, for improving the Navigation of the River *Clyde*, to the City of *Glaſgow*; and for building a Bridge croſs the ſaid River, from the ſaid City to the Village of *Gorbells*.

WHEREAS by the great Increaſe of Inhabitants in the City of Glaſgow, an additional Church became neceſſary, which the Magiſtrates and Council of the ſaid City have, at a very conſiderable Expence, erected and built accordingly, and which is called or known by the Name of Saint Andrew's Church: And whereas, it is further neceſſary, for the Uſe and Benefit of the Inhabitants Preamble.

habitants of the said City, and of others resorting to the said Church, that there should not only be a proper and commodious Passage to the same, by and from the Street called The Salt Market Street, but also that the Area or Church-yard of the said Church should be free and open: And whereas the said Magistrates and City Council have also, at a considerable Expence, erected and built a Town Hall upon the West Side of the Tolbooth, and near the Cross of Glasgow; and it would be of great Advantage to the said City, to have an Exchange or Square near the said Town Hall, for the Use and Resort of Merchants and others; for which Purpose, the said Magistrates have purchased several old Houses and Areas on the North Side of the said Town Hall and Tolbooth, but the Premisses so purchased are not sufficient for building the said Exchange or Square: And whereas these Works, so necessary for the Convenience and Advantage of the said City, and of all Persons resorting thereto, cannot be carried into Execution without the Aid of Parliament: Therefore, upon the Petition of the Magistrates and Council of the said City of Glasgow, on Behalf of themselves and the Community of the said City; 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 it shall and may be lawful for the Magistrates and City Council of Glasgow, and their Successors, by themselves, their Deputies, Agents, Workmen, and Servants, and they are hereby impowered and authorized, to make and compleat a convenient Passage or Street from the said Street called The Salt Market Street, to the said new Church called Saint Andrew's Church, not exceeding Seventy Feet in Breadth, as also to open and compleat the Area or Church-yard of the said Church; and likewise to make, erect, build, and compleat, a commodious Exchange or Square upon the North Side of the said Town Hall and Tolbooth.

Power of the Magistrates and Council.

And, for enabling the said Magistrates and City Council to effect the several necessary Purposes aforesaid, be it further enacted, That the said Magistrates and City Council, and their Successors, shall have full Power and Authority to treat and agree with the Owners and Occupiers of such Lands, Houses, Tenements, and other Hereditaments, as lie upon the East Side of the said Salt Market Street, bounded by the Lands belonging to the Heirs of the deceased James Glen Goldsmith

Power given to purchase Lands, &c. for laying out and compleating a convenient Street or Passage;

in

in Glaſgow, on the North; and Lands of the Heirs of the deceaſed John Brown Bookſeller in Glaſgow, the Lands belonging to the Heirs of the deceaſed Andrew Scot of Kirklee, and the Lands belonging to John Wright Baker in Glaſgow, on the South; and including within the ſaid Boundaries; and alſo an old ruinous Tenement belonging, or reputed to belong, to the Heirs of Robert Pirrie Merchant in Glaſgow; as alſo an old ruinous Timber Tenement of Land, and a Piece of Waſte Ground belonging, or reputed to belong, to the Creditors of the late Andrew Scot of Kirklee, and Margaret Brown, Siſter of the ſaid John Brown; as alſo a Tenement of Land belonging, or reputed to belong, to William Mickelhoze, Maltman, John Wright, Baker, and James Boyd, Shopkeeper; as alſo an old ruinous Thatch-houſe belonging, or reputed to belong, to the ſaid Andrew Scot; and after Payment of ſuch Sum or Sums of Money as ſhall be agreed on between the ſaid Magiſtrates and Council, and the ſaid Owners and Occupiers reſpectively, for the Purchaſe of ſuch reſpective Premiſſes, to order the ſaid Houſes to be taken down, the Areas to be cleared, and the Ground, or ſo much thereof as ſhall be thought neceſſary, to be laid out for making and compleating a convenient Paſſage or Street from the ſaid Street called The Salt Market Street, to the new Church aforeſaid, and to cauſe the ſaid Street and Paſſage to be laid or paved in ſuch Manner, as the ſaid Magiſtrates and City Council ſhall appoint.

and to finiſh a Church-yard,

And be it further enacted, That the ſaid Magiſtrates and City Council, and their Succeſſors, ſhall alſo have full Power and Authority to treat and agree with the Owners and Occupiers of the ſmall Slip of Land belonging, or reputed to belong, to Janet Smith, Daughter of the deceaſed Thomas Smith, late Writer in Edinburgh, containing Three Roods, Twenty four Falls, and Sixteen Yards of Ground, or thereabout, in Meaſure, lying on the South Side of the ſaid Saint Andrew's Church, and bounded by the Town of Glaſgow's Ground on the North, by the Ground of the ſaid Janet Smith on the South and Eaſt, and by the Molendinor Burn on the Weſt Parts; as alſo that little Yard belonging, or reputed to belong, to Alexander Spiers, Peter Murdoch, Thomas Buchanan, James Dougall, and Partners, of the Hatt Factory in Glaſgow, and John Blair Merchant there, and Alexander Widow of Maſter George Blackwell, late Miniſter at Bathgate, meaſuring Sixteen Falls and Twenty four Yards, or thereabout, bounded by the Grounds belonging to the Town of

Glaſgow on the South and Eaſt, and by the Molendinor Burn on the North and Weſt Parts; and after Payment of ſuch Sum or Sums of Money as ſhall be agreed on between the ſaid Magiſtrates and City Council, and the ſaid Owners and Occupiers reſpectively, for the Purchaſe of ſuch reſpective Premiſſes, to lay out and include the ſame, or ſo much thereof as ſhall be thought neceſſary, into the ſaid Area or Church-yard, in ſuch Manner as they ſhall think fit.

and to purchaſe Houſes for making an Exchange.

And be it enacted, That the ſaid Magiſtrates and City Council of Glaſgow, and their Succeſſors, ſhall likewiſe have full Power and Authority to treat and agree with the Owners and Occupiers of ſuch Lands, Houſes, Tenements, and other Hereditaments, as lie near the ſaid Town Hall and Tolbooth, and are bounded by the ſame on the South; by the Town of Glaſgow's Lands, and the fore Tenement of Land belonging to the Heirs of John Legat, and the Tenement belonging to Thomas Falconer Merchant, on the Eaſt; the Lands belonging to the Heirs of John Danziel Merchant, and John Baxter Cordwainer, and the Town of Glaſgow's Lands, on the North; and the Lands of Robert and John Williamſon Grocers in Glaſgow, on the Weſt Parts; and including within the ſaid Boundaries the ſmall Timber Tenement of Land belonging or reputed to belong to Nathaniel Jones Shoemaker; as alſo the Houſe at the Back of the ſaid John Legat's fore Lands, alſo belonging or reputed to belong to him; alſo a ruinous Timber Land belonging or reputed to belong to Thomas Falconer Merchant, and alſo an old Houſe belonging or reputed to belong to John Hunter; and after Payment of ſuch Sum or Sums of Money as ſhall be agreed on between the ſaid Magiſtrates and Council, and the ſaid Owners and Occupiers reſpectively, for the Purchaſe of ſuch reſpective Premiſſes, to order the ſaid Houſes to be taken down, and to lay out and uſe the Ground, or ſo much thereof as ſhall be thought neceſſary for the Purpoſe of erecting and building thereon ſuch Exchange or Square as aforeſaid, in ſuch Form and Manner as the ſaid Magiſtrates and City Council ſhall think fit, ſo that the Exchange or Square to be ſo erected and built do not exceed One hundred and fifty Feet in length from Eaſt to Weſt, nor One hundred Feet in breadth from North to South.

And

And be it enacted, That the said Magistrates and City Council for the time being, and their Successors, shall be authorized and impowered to pay for the said Lands, Houses, Tenements, and other Hereditaments, and for the making of the said Street or Passage, as also for the compleating the said Church-yard, and building the said Exchange or Square, out of such Sums as they shall be able to raise by voluntary Contributions, or out of the common Stock, Funds, and Revenues, of the Corporation and Community of the said City. Magistrates, &c impowered to pay for the Lands, &c.

And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Ideots, furious or other Persons, and to and for all and every other Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any of the said Lands, Houses, Tenements, or other Hereditaments, whether by Title, held in Fee-simple, or Entailed, to sell and convey to the said Magistrates and City Council all or any such Lands, Houses, Tenements, or other Hereditaments, or any Part thereof, for the Purposes aforesaid; and that all Contracts, Agreements, Sales, or other Conveyances, that shall be so made, shall be valid to all Intents and Purposes; any Law or Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding: And that all Trustees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, or Incumbrancers, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act. Bodies Politic, &c. impowered to sell to the Magistrates.

And if it shall happen that any such Owner, Proprietor, Occupier, Trustee or Trustees, Heirs of Entail, Tutors or Curators, Bodies Politick, Corporate, or Collegiate, or any other Person or Persons, interested as aforesaid, after Twenty one Days Notice given to them, or left with some Tenant or Tenants in Possession of such Lands, Houses, Tenements, and Hereditaments respectively, shall neglect or refuse to treat, or shall not agree for the Purchase of such Lands, Houses, Tenements, or Hereditaments, or any Part or Parts thereof, or for their Interest therein; or by reason of Absence, or other Circumstance, shall be prevented from treating, or shall not produce and evince a clear Title to the Premisses they are in Possession of, or to the Interest they claim, to the Satisfaction of the said If the Owners refuse or neglect to treat,

Magistrates to apply to the Sheriff.

said Magistrates and City Council; then, and in any such Case, it shall and may be lawful for the said Magistrates and City Council to apply by Petition to His Majesty's Sheriff Depute of the County of Lanerk, setting forth this Act of Parliament, and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting, for the Purchase of the said Lands, Houses, Tenements, or Hereditaments, or have not produced and evinced a clear Title to the Premisses 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 Hereditaments respectively: And it shall and may be lawful to the said Sheriff Depute, and he is hereby impowered and required, upon receiving such Petition, to order Notice thereof to be given by a proper Advertisement in One or other of the Glasgow News Papers; and also a particular Notice to be given to the Owners or Occupiers of the said Lands, Houses, Tenements, or Hereditaments, personally; or by leaving at their Dwelling-house or at the Dwelling-house of One of the Tenants or Occupiers of the Premisses respectively, a full Copy of the said Petition, and with an Order to give in their Answer or Objections if they any have, within Ten Days after such Service: And after the Elapse of the said Time, it shall and may be lawful for the said Sheriff Depute, and he is hereby impowered 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 other Hereditaments, within the said City of Glasgow, not less than Twenty in Number, nor more than Thirty, each of them possessed of an Estate of Fifty Pounds Scots of valued Rent in the Cess or Stent Roll of the said City; which Persons, so to be summoned and returned, are hereby required to come and appear before the said Sheriff Depute, at such Times and Places as, in the said Precept or Precepts, shall be directed and appointed; of which Time and Place for the Meeting of the Jury, the said Parties interested, or some of their Tenants living on the Premisses respectively, shall have due Notice given them in Manner above mentioned; and out of such Persons so to be summoned and returned, the Sheriff Depute shall appoint a Jury of Fifteen Persons; before whom the said Magistrates and City Council, and the Parties interested,

The Sheriff to settle the Price, by summoning a Jury.

shall

shall or 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 Council for the said Lands, Tenements, Houses, or other Hereditaments; with Power to the said Sheriff Depute to issue his Order, and to compel the Parties interested, and all others, having in their Custody or Possession any Title Deeds or other Papers containing the Rights of, or relative to, the Premisses, to exhibit and produce the same in Judgement before the said Jury; and the said Sheriff Depute is hereby impowered and required, before proceeding to take the Evidence, to administer an Oath to the Jury to return a true Verdict according to the Evidence, and to take down in Writing the Evidence of the Witnesses to be given by them upon Oath, and to adjourn, from time to time, until the Evidence shall be concluded by both Parties; and thereupon the Jury shall return their Verdict in Writing, ascertaining the Value of the said Lands, Tenements, Houses, or other Hereditaments, as to them shall seem just; which Determination shall be final and binding upon all Parties, and a Copy thereof shall be fairly written on Paper or Parchment, and shall be signed by the Foreman of the Jury, the Chief Magistrate of the City of Glasgow, and the said Sheriff, and shall be entered in the Records of the said City; and the same, or Extracts thereof, shall be deemed and taken as good and lawful Evidence in all Courts of Law or Equity whatsoever.

Jury to be sworn,

and return their Verdict in Writing.

And be it further enacted, That upon Payment of such Sum or Sums of Money, so to be settled and ascertained by the said Jury, to the lawful Owners and Proprietors of the said Lands, Houses, Tenements, or other Hereditaments, or legal Tenders thereof made to him, her, or them, respectively, at his, her, or their, Dwelling-house, in case such Party or Parties can be found; and on Refusal of the same, or in case the said Party or Parties have no Dwelling-house in Glasgow, or in case they shall not be able to evince their Title to the Premisses to the Satisfaction of the said Magistrates and City Council, or that the Subjects are incumbered or entailed, so that the Price of the same cannot be legally paid over to the Parties interested; then, upon Payment and Consignation thereof, with the Approbation, and by Warrant of the said Sheriff Depute, into any of the Banking Companies in Glasgow, for the Use of the Parties interested, there to remain till it shall be issued by Order of the said Sheriff Depute, and upon

Upon Payment or Tender of the Price,

Notice of such Payment and Consignation, left in Writing at the Dwelling-house of some Tenant or Occupier of the Premisses, and lawful Evidence thereof being laid before the said Sheriff Depute; then, and in any of these Cases, it shall and may be lawful for the said Sheriff to discern and adjudge the full Right and Property of the said Lands, Houses, Tenements, and other Hereditaments respectively, to appertain and belong to the Magistrates and Council of the City of Glasgow, for and on behalf of the Community and Corporation of the said City, as fully and freely as if the respective Proprietors had disponed and conveyed, or had resigned the same ad remanentiam, to and in favour of the said Magistrates and City Council; and it shall then, and not before, or otherwise, be lawful to and for the said Magistrates and City Council to enter upon the Premisses, and to convert and dispose of the same for the Purposes of this Act.

the Sheriff to adjudge the Premisses to the Magistrates.

The Money to be consigned to those interested.

And be it further enacted, That all Sums of Money to be paid and consigned by the said Magistrates and City Council, with the Approbation and by Warrant of the said Sheriff Depute as above directed, to any of the Banking Companies in Glasgow, in case of insufficient or unsatisfactory Titles, shall forthwith, by Order and Direction of the said Sheriff Depute, be lent out on proper Security, and for such Interest as can be got for the same, there to remain until the Point of Right shall be settled in due Course of Law, or until the said Sheriff Depute shall, upon Application of any of the Parties concerned, think fit, from time to time, to order the said Money to be raised, in order to be lent out again, in Manner aforesaid; or in case of Entails, until the Court of Session shall order the said Price to be lent out and secured, as above directed; with Power to the said Sheriff Depute, if he sees fit, to order Payment of the annual Rent to the Person who shall be in Possession as Proprietor of the Premisses respectively, at the Time the Verdict shall be returned by the Jury, in Manner aforesaid.

Interest of the Purchase-Money to be paid to Persons intitled to mesne Profits.

Provided always, and be it further enacted, That all and every Person and Persons who would be intitled to recover the mesne Profits of the Premisses, against the Person or Persons in Possession, in case the same had not been so vested in the said Magistrates and City Council, as aforesaid, shall be intitled to recover the Sum or Sums to arise from such Interest, as aforesaid, by Action of Debt, or otherwise, against the Person

son or Persons who shall receive the same: And the said Magistrates and City Council shall be quieted in the Possession of the said Lands, Houses, Tenements, and other Hereditaments, for the Purposes aforesaid, and shall be indemnified, and not be answerable or accountable in any Court of Law or Equity, for the Money so deposited, lent out, or applied, any other Ways than according to the Tenor, Purport, and true Meaning of this Act. Magistrates and Town Council to be indemnified.

And be it further enacted, That in case there shall be no Challenge for Five Years, from and after the Consignation of the Price of such Premisses, as aforesaid, it shall and may be lawful for the said Sheriff to issue his Warrant in Writing for Payment as well of such Price, as of all Interest that shall be due thereon, to the Person or Persons who were in Possession, as Proprietor or Proprietors, of such House or Houses, Lands, Tenements, or other Hereditaments, at the Time the Value thereof was settled and ascertained, as aforesaid, or to their lawful Heirs or Assigns; and all and every Person and Persons whomsoever, not making such Challenge, within such Time as aforesaid, and not prosecuting such their Right, Claim, or Demand, with Effect, within the Space of Five Years after such Challenge, as aforesaid, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, upon, or out of, the said Premisses, and every Part thereof; and the said Magistrates and City Council, and their Successors, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, Hereditaments, and Premisses; any Law, Statute, Usage, Matter, or Thing whatsoever, to the contrary notwithstanding. If Premisses not challenged in 5 Years, Owner barred;

Provided nevertheless, and be it further enacted, That any Person or Persons, barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, in, to, or out of, the said Lands, Tenements, and Hereditaments, by virtue of this Act, shall be at liberty to bring any Action or Actions of Debt, for Money had and received to his or their Use, against any Person or Persons, or the legal Representative of any Person or Persons, who received the Purchase-money arising from such Sale of the said Lands, Tenements, Hereditaments, and Premisses aforesaid; and that in every such Case, the respective Plaintiffs, on Proof of But at Liberty to recover the Purchase-money from Persons receiving the same.

of such Title, as would have enabled them to recover such Lands, Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase-money, or so much thereof as shall be equivalent to their Interest in the said Premisses, together with such Interest as shall be equivalent to the mesne Profits of the Premisses, which they would have been intitled to recover in case this Act had not been made.

Price of Houses under Entail, to be settled to the same Uses.

Provided also, and be it enacted, That where such Lands, Houses, Tenements, or other Hereditaments, under Entail, are purchased for the Purposes aforesaid, the Price of the Premisses shall, by Authority of the Court of Session, be laid out upon Land, or other heretable Security, and the Rights and Securities devised and taken to the same Series of Heirs, and with the same Conditions, as are contained in the original Title Deeds of the Subjects under Entail, purchased for the Uses aforesaid, or to so many thereof as shall be then existing and capable of taking Effect.

Sheriff Depute to settle Proportions of Money to be paid to Parties interested.

And be it further enacted, That the Sheriff Depute of the County of Lanerk for the time being, may and is hereby impowered to settle what Shares and Proportions of the Purchase-monies which shall be so agreed for or assessed by the said Juries, in Manner as aforesaid, shall be allowed to any Tenant or other Person, having a particular Estate, Term, or Interest, in the Premisses, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

If the Money is not tendered, the said Verdicts and Judgements not to be binding.

Provided always, and be it further enacted, That in case the said Sum or Sums so assessed by the said Jury, and ordered and adjudged by the said Sheriff Depute to be paid to the Owners, Occupiers, and others, for their respective Interests in the Premisses 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, shall not be binding upon the said Parties; any thing herein to the contrary notwithstanding.

Notice to be given for Occupiers to remove.

Provided also, That previous Notice shall be given to the Tenants and Occupiers of such Lands, Houses, Tenements, and other Hereditaments, as are to be so converted

converted and disposed of, Forty Days at least before the Term of Whitsunday, at which the said Tenants or Occupiers are to be removed, by warning them, as is usual and competent by the Law of Scotland.

Sheriff Depute may impose a Fine on Persons making Default.

And be it further enacted, That the said Sheriff Depute shall have Power, from time to time, to impose any reasonable Fine, not exceeding the Sum of Five Pounds, on any of the Persons who shall be summoned and returned on any such Jury or Juries, who shall not appear, or who shall refuse to be sworn 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 to give Evidence touching any of the Matters aforesaid, and shall not attend, or shall refuse to be sworn, 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 Premisses, contrary to the true Intent and Meaning of this Act; and, from time to time, to levy such Fine or Fines by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus, if any, to the Owner; and all such Fines shall be applied to the Purposes of the Act.

Recital of the Act 32 *Geo.* II.

And whereas by an Act of the Thirty second Year of His late Majesty King George the Second, intituled, An Act for improving the Navigation of the River *Clyde* to the City of *Glasgow*; and for building a Bridge cross the said River, from the said City to the Village of *Gorbells*; the Magistrates and City Council of Glasgow were authorized and impowered to clean, scour, straighten, enlarge, and improve, the said River Clyde, from Dumbuckford to the Bridge of Glasgow, and to dig, cut, and deepen, the same, or any Part thereof, and thereby to make the said River more navigable or passable for Boats, Barges, Lighters, or other Vessels; and also to build a new Bridge across the said River Clyde, at any Place near the present Bridge, which to them should seem most convenient; and to ask, demand, receive, and take, certain Tolls and Pontages for the Passage over the said new Bridge; and, on the Credit thereof, to borrow certain Sums of Money for defraying the Expence of building the said Bridge, and other Ends and Purposes contained in the said Act: And whereas it will be most convenient and advantageous to the said City, that the said

said Bridge should be built within the Limits herein after-mentioned; therefore be it enacted, That the said Magistrates and City Council, and their Successors in Office, shall have full Power and Authority, and they are hereby impowered and authorized, to build and erect the said Bridge cross the said River Clyde, at any Place between a Line leading Southward from the East Side of the Bottom of the Street called The Salt Market Street, and a Line leading Southward from the West Side of the Bottom of the Street called Jamaica Street, both in the said City; and also to erect, build, and make, all necessary and proper Abutments, Ramparts, Wings, Walls, Banks, Ways, and other Works, for the Use, Support, and Preservation, of the said intended Bridge; and to make all proper Streets, Passages, and Communications thereto, as they shall judge necessary, not exceeding One hundred Feet in Breadth; and to ask, demand, and receive, the same Tolls and Pontages for the Passage over the said Bridge, as the said Magistrates and Council are authorized and impowered to ask, demand, and receive, by the said Act for the Passage over the Bridge thereby directed to be built, in case the same had actually been built.

The new Bridge to be erected between *Salt Market Street* and *Jamaica Street*.

Provided always, That the said Bridge shall be built at such fit and commodious Place as shall be fixed upon by the Report of Two Surveyors upon Oath, One to be named by the said Magistrates and Town Council, and the other by the Commissioners after named, at their first General Meeting; and, in Default of such Nomination at the said first General Meeting, by the said Commissioners, that then the said Magistrates and Council shall have Power, and are hereby impowered, to name both the said Surveyors for the Purposes aforesaid; and in case of Difference between the said Two Surveyors so to be appointed as aforesaid, they the said Surveyors shall, and they are hereby required to choose an Overman or Referee, who is hereby required to make such Determination therein, upon Oath, as he shall think proper, which Determination shall be final and conclusive.

Surveyors to be appointed, for fixing on a proper Place for building the Bridge.

Provided always, That Satisfaction and Recompence be made to the Owners or Occupiers of any Land or Hereditaments that shall be thereby damaged or prejudiced, in the same Way and Manner as is herein before provided for in the Case of Purchases of Land to be made by the said Magistrates and Council for the Purposes first mentioned in this Act.

Satisfaction to be made for Damage done to private Property.

Pro-

Provided also, That for making of the said Streets, Communications, and Passages, to and from the said Bridge, nothing herein contained shall extend to the pulling down or destroying any House of Sixteen Feet in Width, or whereof the Side Walls are above Twelve Feet in Height. Restriction with respect to widening the Streets.

And whereas the Payment of the said Tolls and Pontages cannot be effectually secured, unless the said Magistrates and City Council be also authorized and impowered to deepen and stop the Fords of the said River, as well above as below the said old Bridge, and near the said new Bridge; be it therefore enacted by the Authority aforesaid, That the said Magistrates and City Council of Glasgow shall have full Power and Authority, and they are hereby impowered and authorized, as soon as the said new intended Bridge shall be made passable, to cause all Fords through the said River, from the East Side of Molendinor Burn, where it runs into the River Clyde, and from thence to that Part of the said River opposite to the House of Stobb Cross (the Distance betwixt these Two Places measuring One Mile and a Quarter of a Mile) to be stopt up, and the Channel of the said River to be dug and made deeper, and the Banks of the said River to be cut, and Posts and Rails, or other Fences, to be erected thereon, to prevent any Persons evading the Payment of the Tolls and Pontages given and granted by the said Act. Fords to be deepened and stopt up, &c. as the new Bridge is made passable.

And be it enacted, That in case the said Magistrates and City Council, and their Successors in Office, shall think fit to keep up the old Bridge after the new intended Bridge shall be built, they shall have full Power and Authority; and they are hereby impowered and authorized, as soon as the said new intended Bridge shall be made passable, to prohibit and stop the Passage of all Wheel Carriages, Sledges, or other Carriages, or of any Horses, Cattle, Sheep, Swine, or any other Sort of Cattle or Beasts, over the said old Bridge; but to keep the same intirely as a free Bridge for the Use of Foot Passengers only; any Law or Custom to the contrary notwithstanding. After the new Bridge is passable, no Carriages nor Horses, &c. to pass the old Bridge.

And be it farther enacted by the Authority aforesaid, That the following Persons shall be Commissioners to inspect the Accounts, Receipts, and Disbursements, of the Tolls and Pontages of the said intended Bridge; videlicet, The Representatives in Parliament for the time being for the Counties of Lanerk, Dumbarton, and Commissioners appointed to manage the Tolls of the Bridge.

Renfrew, and for the District of Boroughs consisting of Glasgow, Dumbarton, Renfrew, and Rutherglen; the Sheriff Deputes of the said Counties of Lanerk, Dumbarton, and Renfrew, for the time being; the Provosts of the Burghs of Dumbarton, Rutherglen, and Renfrew, for the time being; the Baillie of Port Glasgow for the time being; and all and every Person and Persons now Reading, and who shall stand, severally and each for himself, seized in and possessed of Lands in Property, valued in the Land Tax or Supply Books of the Counties of Lanerk and Renfrew respectively, at One thousand Pounds Scots Money, or upwards; and Twenty Citizens of Glasgow, to be nominated yearly by the said Magistrates and Council, and their Successors, in Common Council assembled; which Persons are to be Commissioners for the Ends and Purposes aforesaid: And the First Meeting of the Commissioners before appointed shall be held on the Third Wednesday of April One thousand seven hundred and sixty eight, at the Town Clerk's Chambers of the said City of Glasgow; and the said Commissioners shall then adjourn themselves, and hold their subsequent Meetings at the Town Clerk's Chambers aforesaid; provided Fourteen Days previous Notice be given of such Meetings in the Glasgow or Edinburgh News Papers; and that the said Commissioners, at their first and every subsequent Meeting, shall defray their own Charges and Expences.

Tolls to cease when Money sufficient is collected to defray the Expences, &c.

And whereas the Tolls and Pontages imposed and granted by the said Act may in Course of Time yield and produce clear Monies sufficient, not only for repaying the Expences of passing both Acts, and of building and maintaining the said intended Bridge, with Interest for all the Monies so expended, but also for creating Funds sufficient to purchase, at the Price after mentioned, from the said Magistrates and Council of Glasgow, the Ground Right and Property of the present Bridge over the Clyde belonging to the said City, as well as sufficient for the perpetual Maintenance and Repair of both the said Bridges: And the said Magistrates and Council, on behalf of themselves and of the Community of the City of Glasgow, being willing and desirous that so soon as the said Tolls and Pontages shall have produced clear Money sufficient for answering all the Purposes aforesaid, and that the same shall have been so applied accordingly, that from thenceforth the said Tolls and Pontages shall cease, and the Pas-

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sage of the said New Bridge shall be declared to be for ever free; be it therefore farther enacted, That the said Commissioners, or any Five or more of them, shall have Power, and they are hereby impowered, authorized, and required, from time to time, and at all Times, upon Application to them by the said Magistrates and Counsellors, to liquidate and ascertain the Costs and Expences of the said Two Acts of Parliament, so far as the same relate to the said Bridge, and of the building, maintaining, and repairing, of the said intended Bridge, as well as the clear Income and Produce, from time to time, of the said Tolls and Pontages of the New Bridge; and so soon as the same shall have produced clear Money sufficient for repaying the full Sums liquidated and ascertained to have been expended as aforesaid, with Interest thereof, and also for purchasing of the present Bridge at the Price after mentioned, together with such further Sum or Sums as the said Commissioners, or any Five or more of them, shall find to be necessary for producing an annual Rent sufficient to defray for ever after the Expences of maintaining and repairing of the said Two Bridges; that then the said Commissioners, or any Five or more of them, shall direct and allow Retention or Payment of the said Sum and Sums of Money to the Magistrates and Counsellors of the said City of Glasgow, and shall discharge and release them in respect thereof; and upon such Payment or Retention, and Discharge being made, shall declare all Tolls and Pontages for the said New Bridges to have ceased, and the same to be for ever after free.

Price for the old Bridge not to exceed 20 Years Purchase.

Provided always, That the Price to be paid to the Magistrates and Council for the present Bridge shall be, and the same is hereby declared to be, Twenty Years Purchase of the clear annual Income of the Tolls and Pontages of the said Bridge, to be taken at an Average for Ten Years, from the First of January, One thousand seven hundred and fifty, to the First of January, One thousand seven hundred and sixty, together with Interest for the said Price, from the Time that Tolls shall have begun to be taken for the said intended New Bridge; and that the said Two Bridges, after they become free Bridges as aforesaid, and the Funds to be appropriated for the Maintenance and Repair of the same, shall continue and remain for ever under the Direction and Management of the said

Provoſt and Council, and of the Commiſſioners named in this Act.

Publick Act. And be it further enacted, That this Act ſhall be deemed a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.