

ANNO TERTIO

GEORGII IV. REGIS.

***

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 *Walter Francis* Duke of *Buccleuch* and *Queensberry*, *Alexander* Duke of *Gordon*, *John* Duke of *Atholl*, *James* Duke of *Montrose*, *Arthur* Duke of *Wellington*, *George* Marquis of *Stafford*, *John* Marquis of *Bute*, *George* Lord *Gordon* commonly called Marquis of *Huntley*, *Archibald* Earl of *Eglintown*, *Francis* Earl of *Moray*, *Thomas Lyon* Earl of *Strathmore*, *Thomas* Earl of *Kellie*, *Charles* Earl of *Haddington*, *Thomas* Earl of *Elgin* and *Kincardine*, *Francis Charteris Wemyss* Earl of *Wemyss* and *March*, *George* Earl of *Dalhousie*, *George* Earl of *Aboyne*, *John* Earl of *Breadalbane*, *John George* Earl of *Stair*, *Archibald John* Earl of *Rosebery*, *George* Earl of *Glasgow*, *John* Earl of *Hopetoun*, *James* Earl of *Fife*, *Robert Saunders* Viscount *Melville*, *James Ochonchar* Lord *Forbes*, *Alexander George* Lord *Saltown*, *Francis* Lord *Gray*, *John* Lord *Colville*, *Robert Montgomery* Lord *Belhaven* and *Stenton*, *John* Lord *Rollo*, *George* Lord *Abercromby*, *Thomas* Lord *Lynedoch*, *Archibald* Lord *Douglas*, *James* Lord *Glenlyon*, The Right Honourable *William Dundas*, The Right Honourable Sir *John Sinclair*, Baronet, The Right Honourable Sir *William Rae*, Baronet, Lord Advocate of *Scotland*, The Right Honourable *Charles Hope*, Lord President of the Court of Session, The Right Honourable *David Boyle*, Lord Justice Clerk, The Right Honourable *William Adam*, Lord Chief Commissioner of the Jury Court in *Scotland*, The Right Honourable Sir *William Grant*, The Honourable *William Macleod Bannatyne*, one of the Senators of the College of Justice, The Honourable Sir *William Miller*, Baronet, one of the Senators of the College of Justice, The Honourable *William Robertson*, one of the Senators of the College of Justice, The Honourable *David Williamson*, one of the Senators of the College of Justice, The Honourable *David Monypenny*, one of the Senators of the College of Justice, The Honourable *James Wolfe Murray*, one of the Senators of the College of Justice, The Honourable *James Clerk Rattray*, one of the Barons of the Court of Exchequer, The Honourable *Archibald Campbell*, one of the Senators of the College of Justice, The Honourable *George Fergusson*, one of the Senators of the College of Justice, Sir *John Hope* of Craighall, Baronet, Sir *John Hay* of Smithfield and Haystoun, Baronet, Sir *Samuel Stirling* of Glorat, Baronet, Sir *George Clerk* of Pennycuik, Baronet, Sir *James Stewart Denham* of Coltness and Westshiell, Baronet, Sir *Robert Keith Dick* of Prestonfield, Baronet, Sir *George Warrender* of Lockhend, Baronet, Sir *Charles Edmondstone* of Duntreath, Baronet, Sir *David Hunter Blair*, Baronet, Sir *James Erskine*, Baronet, Sir *John Macgregor Murray*, Baronet, Sir *William Cumming Gordon* of Altyre and Gordonstown, Sir *Charles Macdonald Lockhart* of Lee and Carnwath, Baronet, Sir *Ilay Campbell* of Succoth, Baronet, Sir *James Shaw* of Kilmarnock, Baronet, Sir *Æneas McIntosh* of McIntosh, Baronet, Sir *James Hall* of Dunglass, Baronet, Sir *John Marjoribanks* of Lees, Baronet, Sir *James Montgomery*, Baronet, Sir *Ewen Cameron* of Fassifern, Baronet, Sir *Alexander Maitland Gibson*, Baronet, Sir *David Dundas*, Baronet, Sir *Robert Barclay*, Baronet, General Sir *David Baird*, Baronet, Knight Grand Cross of the Order of the Bath, General Sir *George Beckwith*, Knight Grand Cross of the Order of the Bath, Admiral Sir *David Milne*, Knight Commander of the Order of the Bath, Major General Sir

Contributors incorporated.

Thomas Bradford Knight, Commander of the Order of the Bath, Sir *Patrick Walker*, Knight, Sir *John Connell*, Knight, Lieutenant General *John Hope*, Knight Grand Cross of the *Hanoverian* Guelphic Order, General Sir *Robert Abercromby*, Knight Grand Cross of the Order of the Bath, Lieutenant-General Sir *John Oswald*, Knight Commander of the Order of the Bath, Admiral Sir *William Johnstone Hope*, Knight Commander of the Order of the Bath, The Honourable General *Leslie Cumming*, General *Francis Dundas*, Rear Admiral *Otway*, Vice Admiral *Fraser*, Lieutenant-General *Graham Stirling*, The Very Reverend Doctor *Baird*, Principal of the University of Edinburgh, Major General *Sharpe*, General *Ross*, General *Alexander Campbell* of Monzie, General *Robertson Macdonald*, General *James Balfour*, The Right Honourable Baroness *Ashburton*, *Robert Dundas* of Arniston, *Alexander Munro*, *Gilbert Hutchinson*, *John Borthwick*, junior of Crookstone, Advocate, *James Hope*, Writer to His Majesty's Signet, *William Trotter*, *Robert Johnston*, Reverend *George Craig Buchanan*, Minister of Kinross, Reverend *Archibald Livingston*, Minister of Cambusnethan, *Henry Jardine*, King's Remembrancer in Exchequer, *Hugh Todd*, Writer to His Majesty's Signet, *Michael Linning*, Writer to His Majesty's Signet, *Matthew Norman Macdonald*, Writer to His Majesty's Signet, *James Ritchie*, *David Macgibbon*, *James Cuthbertson* of Seaton Mains, *Robert Stevenson*, *Thomas Charles Hope*, Doctor in Medicine, *Archibald Alison*, Advocate, *Andrew Duncan*, senior, Doctor in Medicine, *Thomas Graham Stirling* of Airth, *Robert Downie* of Appin, *Alexander Henderson*, *James Denholm*, *Hugh Hope*, *John Shaw Stewart*, *Norman Lockhart*, Writer to His Majesty's Signet, *William Irving*, *Lewis Henry Ferrier*, Captain *Menzies*, *Alexander Smith*, Writer to His Majesty's Signet, *J. Aytoun* of Inchdairny, *Alexander Macleod* of Muiravonside, *John Campbell*, Writer to His Majesty's Signet, Captain *Cheap*, *Gilbert Laing Meason*, *James M'Innes*, Writer, *Thomas Brown*, *Archibald Elliott*, *Robert Playfair*, *James Cuthbertson*, *James Connell*, *James Swan*, Writer to His Majesty's Signet, *David Anderson*, *Archibald Constable*, *John Fowler* of Hallydown, *Thomas Johnstone*, *Alexander Macleod* of Harris, *John Ferrier*, Writer to His Majesty's Signet, *Charles Cunningham*, Writer to His Majesty's Signet, Reverend *John Sommerville*, Minister of Currie, *William Patrick*, Writer to His Majesty's Signet, *John Wauchope*, Writer to His Majesty's Signet, *Forbes Hunter Blair*, *Robert Menzies*, Writer to His Majesty's Signet, *William Inglis*, Writer to His Majesty's Signet, *David Murray*, Deputy Comptroller of Excise, Colonel *Boyle* of Shewalton, *William James Somers*, *William Macdonald* of Saint Martin's, *William Morgan*, *Claud Russell*, *Robert Davidson* of Ravelrig, Advocate, *Edward Alexander* of Powis, *William Arbuthnot*, *Andrew Bonar*, *John Thomson* of Currie, *Alexander Bonar*, *William Ramsay*, *Humphrey Graham*, Writer to His Majesty's Signet, *Robert Warden* of Parkhill, *Gilbert Innes* of Stow, *John Scott* of Sinton, *John Innes Craufurd*, Mrs. *Jameson*, *James Masterton* of Braco, *Robert Smythe* of Methven, Lieutenant-Colonel *James Campbell*, *Stewart Boone Inglis*, *William Crawford* of Cartsburn, *Hamilton Campbell* of Pencaitland, *George Robertson Scott*, *John Wilson* of Halsrule, *James Drummond* of Strathallan, Lieutenant-Colonel *Elliot Lockhart*, *Charles Forbes*, *John Maxwell*, *George Sinclair*, *James Gordon*, *Kincaid Mackenzie*, The Honourable Mrs. *Boyle*, *Henry Home Drummond*, Captain *Patrick Campbell*

Campbell of the Royal Navy, *John Wauchope* of Edmonstone, *Peter Spiers* of Culcroich, *Alexander Smith*, Major *Charles Lenox Cumming* of Roseisle, Colonel *Alexander Macgregor Murray*, Reverend *David Wauchope*, Rector of Warkton, *Williams*, *James Gillespie*, *James Wilson*, *James Jardine*, *William M'Dowall*, Advocate, *John Young*, Major *Webster*, Captain *Dick*, *Patrick Salter*, *James Fairlie*, *James Arnot*, *Charles Selkrig*, *Robert Selkrig*, *Moncrieff Threipland*, Advocate, *Francis Jeffrey*, Advocate, *Henry Cockburn*, Advocate, *Thomas Kinnear*, Colonel *Robert Macgregor Murray*, *John Hay*, Advocate, *James Stewart*, younger of Dunearn, *Robert Greig*, *Æneas Macbean*, Writer to His Majesty's Signet, *James Moncrieff*, Advocate, *Robert Jameson*, Advocate, *Elias Cathcart*, Advocate, *Alexander Dunlop*, *Andrew Skene*, Advocate, *James Walker*, Advocate, *David Anderson Blair*, Advocate, *Thomas Allan*, *George Cleghorn*, *Guthrie Wright*, *John Russell*, Writer to His Majesty's Signet, *Nathaniel Hibbert*, *Adam Hay*, *John Campbell* of Glensaddell, *Walter Campbell* of Shawfield, *D K Sandford*, Professor of Greek in the University of Glasgow, *John Cunningham*, Advocate, *John Archibald Murray*, Advocate, *Francis Walker*, Writer to His Majesty's Signet, *George Forbes*, *Alexander Scott* of Trinity Mains, *James Smith* of Jordanhill, Reverend *Thomas M'Knight*, Doctor in Divinity, *Robert Hunter Campbell* of Kailzie, *Michael Stewart Nicholson* of Carnock, *Alexander Stewart*, *Robert Ferguson* of Raith, *David Halliburton*, The Reverend *John Inglis* Doctor in Divinity, one of the Ministers of Edinburgh, The Honourable *Mountstuart Elphinstone*, Bombay, Major-General Sir *William Grant Keir*, Lieutenant-General The Honourable Sir *Charles Colville*, Lieutenant-Colonel *Hunter Blair*, *William Erskine*, *James Wedderburn*, Lieutenant-Colonel *Leighton*, Doctor *Maxwell*, *Theodore Forbes*, *Thomas Buchanan*, Doctor *Meik*, *W C Bruce*, Captain *Robertson*, Collector, Captain *Grant*, Major *Mayne*, *John Elphinstone*, *John Romer*, *James Sutherland*, *Gilbert More*, Captain *Archibald Robertson*, *John A Dunlop*, *Baird*, and all and every such other Person or Persons, and such Body or Bodies Politic, Corporate, or Collegiate, as have already become Subscribers or from Time to Time shall subscribe and be admitted Members of the Association herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be, and they are hereby declared to be one Body Politic and Corporate, by the Name of "The Royal Association of Contributors to the National Monument of *Scotland*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

Capital to be raised not to exceed 50,000*l.*

II. And be it further enacted, That it shall and may be lawful to and for the said Association of Contributors for the Purposes herein-after specified to raise and contribute amongst themselves, or by the Subscription of others, any Sum or Sums of Money not exceeding in the Whole the Sum of Fifty thousand Pounds Sterling.

In Shares of 25*l.* each.

III. And be it enacted, That all and every such Person or Persons, Bodies Politic, Corporate, or Collegiate, who may have subscribed, or shall subscribe to the Amount of Twenty-five Pounds each, and their several and respective Successors, Executors, Administrators, and Assigns, shall be Members of the said Association; and each Subscription to the Amount of Twenty-five Pounds shall constitute a

Share in the Association; and the respective Subscribers shall be entitled to hold as many Shares in the same as they may hold Subscriptions therein to the Amount of Twenty-five Pounds.

Subscriptions to a less Amount to be taken.

IV. And be it further enacted, That the said Association shall be entitled to accept of Subscriptions and Contributions from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to a less Amount from each than Twenty-five Pounds Sterling; but such Subscriptions and Contributions shall not entitle the Subscribers or Contributors to be Members of the Association, but shall be considered to be Donations only.

No Persons answerable for more than their respective Stock or Subscription.

V. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Association, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with any Debt or Demand whatsoever, due, or to become due, from the said Association, beyond the Extent of his, her, or their Capital Stock, or Share or Shares in the Stock of the said Association, or Subscription or Contribution as the case may be, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares to be Personal Estate.

VI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and of all and every other Person or Persons whatsoever, of and in the Buildings and Erections hereby authorised to be made, or the Joint Stock or Fund of the said Association, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Proprietors to have a Vote for every Share, but not to have more than Five Votes, and may vote by Proxy.

VII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken for a Share in the said Undertaking, their, his, or her respective Successors, Executors, Administrators, and Assigns, present at the stated General and Special Meetings, to be held as herein appointed, shall have a Vote for every such Share, but not exceeding Five Votes, although possessed of more than Five Shares in the said Undertaking; and every Body Politic, Corporate, or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken for a Share in the said Undertaking, their, his, or her respective Successors, Executors, Administrators, and Assigns, who cannot attend such stated and General and Special Meetings, shall have a Vote for every such Share, but not exceeding Five Votes in the whole, although possessed of more than Five Shares in the said Undertaking, by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, and Thing which shall be proposed, discussed, or considered in any stated General, or any Special General Meeting of the said Association, shall be determined by the Majority of Votes and Proxies then present.

Joint Proprietors or Bodies Corporate, how to vote.

VIII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to a Share in the said Undertaking, such Persons shall be entitled to give their Vote or Votes, in respect thereof, by the Person whose Name shall stand first in the Books of the said Association, as Proprietors of such Share; and it shall be lawful to any Body Politic, Corporate, or Collegiate, to give their Vote or Votes, by their Treasurer or Secretary, or any One of their Officers especially appointed by them for that Purpose; and no Subscriber or Subscribers, Proprietor or Proprietors to or for this Undertaking shall have a Vote at any Meeting, general or special, either of the Association or of the Committee of Management, upon any Question or Questions relating to the Concerns of the said Association, in which the said Subscriber or Subscribers shall have a separate Personal Interest.

Place of General Meetings: Parties to pay their Expences.

IX. And be it further enacted, That all the General Meetings of the said Association, shall be held in the City of *Edinburgh*, and at all and every such stated General and Special Meetings, the Parties composing them shall pay their own Expences.

First and other General Meetings.

X. And be it further enacted, That the First General Meeting of the said Association of Proprietors for putting this Act into Execution shall be held at *Edinburgh* as aforesaid, upon the Third *Monday* after the passing of this Act, at the Hour of Twelve at Noon, and all future General Meetings of the said Association (except such Special General Meetings as hereinafter mentioned) shall be held on the Eighteenth Day of *June* in every Year thereafter, or if such Eighteenth Day of *June* shall fall upon a *Sunday*, then upon the *Monday* thereafter, at the Hour of Twelve at Noon, of all which General Meetings, Ten Days previous Notice, at the least, shall be given by Public Advertisement, in any Two of the Newspapers usually published in *Edinburgh*, to be named by the Committee of Management after specified.

Meetings of Proprietors may be specially convened.

XI. And be it further enacted, That if at any Time it shall appear that for the more effectually putting this Act into Execution a Special Meeting of the said Association is necessary to be holden, it shall and may be lawful to any Seven or more of the said Proprietors, or any Five or more of the Committee of Management, hereinafter mentioned, upon specifying in Writing, subscribed by them, the Purpose thereof, to require the Secretary of the said Association to call such a Meeting; and the said Secretary shall thereupon convene such Meeting, by giving at least Ten Days Notice thereof by Advertisement as aforesaid, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be holden; and the said Proprietors are hereby authorised to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Association, with regard to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them met together at such Special Meeting, shall be as valid with respect to the Matters specified in the said Notice as if the same had been done at any Annual General Meeting; and at all such General and Special General Meetings of the said Association of Proprietors the Chairman, or in his Absence the Deputy Chairman

of the Committee of Management, to be named as hereinafter mentioned, and in the Absence of both, the Director present highest on the List, shall be Chairman of such Meeting; and such Chairman shall not only have, in the first Place, a deliberative Voice as a Proprietor, but in case of an Equality of Votes, shall have a decisive or casting Vote; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such General or Special Meetings, shall be decided and determined by the Majority of Votes of the Proprietors then present, and of the Proxies for such as shall be absent.

General Meetings to consist at least of Proprietors or Proxies holding 50 Shares.

XII. Provided always, and be it further enacted, That if at such First, or any General, Special, or Adjourned Meeting, there shall not be Persons present as Principals and Proxies, who shall be possessed of or entitled to Fifty Shares in the said Undertaking, no Business shall be done at any such Meeting, but the same shall be adjourned, and there shall be another General Meeting of the said Association upon that Day se'nnight thereafter, and so from Time to Time, until there be Persons present at such General Meeting, having as Principals and Proxies such Number of Shares as aforesaid; and of every such Adjourned General Meeting Three Days Notice shall be given by Advertisement as aforesaid.

Appointment of Committee of Management.

XIII. And be it further enacted, That from and after the passing of this Act *Walter Francis* Duke of *Buccleuch* and *Queensberry*, *John* Duke of *Atholl*, *James* Duke of *Montrose*, *Francis* Earl of *Moray*, *Charles* Earl of *Haddington*, *Thomas* Earl of *Elgin* and *Kincardine*, *Francis Wemyss Charteris* Earl of *Wemyss* and *March*, *Archibald John* Earl of *Rosebery*, *John* Earl of *Hopetoun*, *Robert Saunders* Viscount *Melville*, *George* Lord *Abercromby*, The Right Honourable Sir *John Sinclair*, Baronet, The Right Honourable *William Dundas*, The Right Honourable Sir *William Rae*, Baronet, Lord Advocate of *Scotland*, The Right Honourable *Charles Hope*, Lord President of the Court of Session, The Right Honourable *David Boyle*, Lord Justice Clerk, The Right Honourable *William Adam*, Lord Chief Commissioner of the Jury Court in *Scotland*, The Honourable *David Williamson*, one of the Senators of the College of Justice, The Honourable *Archibald Campbell*, one of the Senators of the College of Justice, The Honourable Baron *Clerk Rattray*, Sir *Robert Keith Dick*, Baronet, Sir *John Hope*, Baronet, Sir *George Clerk*, Baronet, Sir *John Hay*, Baronet, Sir *Charles Macdonald Lockhart*, Baronet, Sir *James Erskine*, Baronet, Sir *John Marjoribanks*, Baronet, Sir *Robert Dundas*, Baronet, Admiral Sir *William Johnstone Hope*, K.C.B., Admiral Sir *David Milne*, K.C.B., Vice Admiral *Fraser*, Colonel *Evan Macgregor Murray*, Sir *John Connell*, Knight, The Right Honourable *William Arbuthnot*, Lord Provost of Edinburgh, *Robert Dundas* of Arniston, Advocate, *John Borthwick*, Younger, of Crookestone, Advocate, *Gilbert Hutchison*, Advocate, The Reverend Dr. *George Baird*, Principal of the University of Edinburgh, The Reverend *John Inglis* Doctor in Divinity, The Reverend *Thomas M'Knight* Doctor in Divinity, Dr. *Thomas Charles Hope*, *Henry Jardine*, King's Remembrancer, *Robert Downie* of Appen, *William M'Donald* of St. Martins, Advocate, *John Scott* of Sinton, *Norman Lockhart* of Greenaton, *Archibald Alison*, Advocate, *John Ferrier*, Writer to His Majesty's Signet, *Claud Russell*, Accountant, *Gilbert Innes*, of Stow,

Stow, *Henry Home Drummond* of Blair Drummond, *Francis Jeffrey*, Advocate, *Henry Cockburn*, Advocate, *Forbes Hunter Blair*, Banker in Edinburgh, *John Hay*, Advocate, *James Walker*, Advocate, *William Inglis*, Writer to His Majesty's Signet, *Francis Walker*, Writer to His Majesty's Signet, *James Hope*, Writer to His Majesty's Signet, *Charles Cuningham*, Writer to His Majesty's Signet, *John Russell*, Writer to His Majesty's Signet, *Williams*, *William Trotter*, *Robert Johnston*, *Robert Stevenson*, and *Michael Linning*, shall be the Ordinary Directors of the said Association, and shall constitute a Committee of Management of the Concerns of the said Association, until the First General Meeting of the Proprietors of the said Association, to be held upon the Eighteenth Day of *June* One thousand eight hundred and twenty-three, when Five thereof shall go out of office, and Five Directors shall be chosen in their room by Ballot among the Proprietors of the said Association, and so on upon the Day of the Annual General Meeting in every Year thereafter, a similar Appointment of Five Directors shall be made: Provided always, that no Person shall be qualified to be elected to act as one of the Directors of the said Association, without being possessed of Two Shares in the Stock of the same.

First Meeting of Committee, Chairman and Vice Chairman to be appointed.

XIV. And be it enacted, That the said Committee of Management shall hold their First Meeting in the City of *Edinburgh*, on the Third *Tuesday* after the passing of this Act, at Twelve of the Clock Noon, and shall then and there proceed to carry this Act into Execution; and that it shall be lawful for the said Committee, and they are hereby required at their First Meeting, and also at their First Meeting after the Annual Election on the Eighteenth Day of *June* One thousand eight hundred and twenty-three, and after each Annual Election thereafter, to elect a Chairman and a Vice Chairman; and at all Meetings of the Committee, the Chairman, and in his Absence the Vice Chairman, and in the Absence of both, the Director present highest on the List shall preside; and the said Committee may adjourn their Meetings from Time to Time as they shall see cause, due Notice of such Adjournments being always given.

Nomination of Directors in case of Death, or of any of those named declining to act.

XV. And be it enacted, That in case of the Death or Resignation of any One or more of the said Directors, it shall and may be lawful to the Remainder of the said Directors, and they are hereby authorised and empowered at any Meeting of the Committee of Management, specially called for that Purpose, to name another Director or Directors qualified as aforesaid in the Room and Place of the said Director or Directors so deceasing or declining to act.

Meetings of the Committee, Chairman, and Quorum.

XVI. And be it further enacted, That it shall and may be lawful for the said Committee of Management for the Time being, and they are hereby authorised and required, from Time to Time, to assemble and meet together at any Place or Places in *Edinburgh* for the Direction and Management of the Affairs of the said Association; and that they shall hold Special Quarterly Meetings on the First *Saturday* in the Months of *January*, *April*, *June* and *October* in every year, and that any Five or more Members of such Committee of Management, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in such Committee;

Committee; and that all Questions, Matters, and Things, which shall be proposed, discussed, or considered by the said Committee of Management at their Meetings, shall be decided and determined by the Majority of Members then present: Provided always, that if, on the Day appointed for any such Meeting of the Committee of Management, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day to be fixed by the Member or Members, or Majority of them then present, or if no Member shall be present, by the Secretary to the said Association: Provided always, that Notice of each Meeting of the Committee shall be given by the Secretary in Writing or in Print signed by him to each Member thereof, at least Eight Days before it is to take place; and that the Secretary shall at all Times have it in his Power to call Meetings of the Committees on receiving a Requisition to that Effect from Five Members of the Committee.

Committee of Management to appoint Officers.

XVII. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer or Collector, and also a Secretary to the said Association, and such other Officer or Officers, as the said Committee of Management shall think proper and expedient, for the better carrying the Purposes of this Act into Execution, and to give them such Salaries or Allowances as they may think proper; the said Committee of Management always taking good and sufficient Security, and to such extent as they shall think requisite from such Treasurer, Collector, and other Officer, appointed to receive Money, or to have the Care or Custody thereof, for the due accounting for all such Monies with which they may be entrusted, and for the faithful Discharge of the Trust reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Collectors, Secretary, and other Officers, and appoint others in their Stead, as the said Committee of Management shall think fit; and that all such Treasurers, Collectors, Secretary, and other Officers of the said Association, who shall at any Time quit or be dismissed from the Service of the same, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such other Person or Persons as they shall appoint, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Collectors, Secretary, or other Officers, Executors, or Administrators respectively, in anywise relating to the said Undertaking; and the said Committee of Management shall have Power and Authority, and they are hereby required to balance, or cause to be balanced, the Books of the said Association on the Fifteenth Day of May in every Year, the First Balance being made on the Fifteenth Day of *May* One thousand eight hundred and twenty-three, or on the Sixteenth Day of *May* when the Fifteenth falls on a *Sunday*; and the same being so balanced, shall be examined by disinterested Persons unconnected with the said Association, and shall be doqueted and signed by them, and by the major Number or Quorum of the said Committee of Management,

and shall be produced at the General Meeting of the said Association to be held on the Eighteenth Day of *June* One thousand eight hundred and twenty-three, and every Year thereafter, so that any of the Proprietors attending the said Meeting may have an Opportunity of inspecting the same; and the Books of the said Association shall be Patent, and open for the Inspection of all the Proprietors and of all concerned, for Three Weeks subsequent to the said Eighteenth Day of *June* in each Year as aforesaid: Provided always, and be it enacted, That the said Committee shall not be answerable for Mistakes, Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for Receipts, Acts, or Omissions of the Treasurer, Secretary, or other Officers of the said Association, nor any one of the said Committee for the others, but each of them for his own Receipts, Acts, and Omissions only.

Committee of Management not to be answerable for Omissions.

Office of Secretary and Treasurer not to be held by the same Person.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Committee to appoint the Person who may be appointed to act as their Secretary in the Execution of this Act, or the Partner of any such Secretary, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Secretary to the said Association; and if any Person shall act in both the Capacities of Secretary and Treasurer by virtue of this Act, or if any Person being the Partner of any such Secretary shall act as Treasurer, or being the Partner of any such Treasurer shall act as Secretary in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by summary Complaint before the Justices of the Peace at their Quarter Sessions, or before the Sheriff or Stewart-Depute or Substitute of the County or Stewartry where the Offender may reside.

Powers of Committee.

XIX. And be it further enacted, That the said Committee of Management or Quorum aforesaid, shall also have full Power and Authority on Behalf of the said Association to contract for and purchase all such Ground, Tenements, and Heritages, and again dispose thereof, if they shall see Cause, and all such Materials and other Things, as shall or may be wanted for the said Undertaking, and which are hereby authorized to be made, and to treat and agree with all and every Person or Persons, Bodies Politic, Corporate, or Collegiate whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about, or for carrying on the said Undertaking and Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains, and Agreements whatever, touching or in anywise concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Association, and to do and execute and perform all Acts, Matters, and Things, which the said Association are by this Act authorized to do, save

save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein directed.

Committee to enter their Proceedings in Books;

XX. And be it further enacted, That the Committee of Management shall enter, or cause to be entered, into Books, a full and true Account of all Money disbursed, and Payments made, by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively, for or on account of the said Association, and also a full and true Account, or proper Notes or Minutes of every Contract, Bargain, and Agreement, which shall be entered into by them respectively, for or on Behalf of the said Association, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever, and in and about the Affairs and Business of the said Association, but that no Money shall be issued or paid by the Treasurer to the said Association, for or on account of the said Association, otherwise than in such Manner as shall be directed by the Committee of Management.

and Money not to be issued by the Treasurer, otherwise than as directed by Committee of Management.

Collectors, &c. to deliver Accounts.

XXI. And be it further enacted, That all and every Officer or Officers Person and Persons to be employed by or under such Committee of Management, shall from Time to Time when thereunto required by the said Committee, deliver to such Committee, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Committee of Management, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Committee of Management, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Committee, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases, it shall be lawful for any Two or more Magistrates or Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Committee of Management, and such Magistrates and Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness

ness or Witnesses (which Oath or Oaths such Magistrates and Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Magistrates or Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Magistrates or Justices may, and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Poinding and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of Poinding and Selling the same, or if such Officer, or other Person, shall not appear before the said Magistrates or Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Magistrates or Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Magistrates or Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Magistrates or Justices may, and they are hereby authorized and required, by Warrant or Warrants under their Hands, to commit such Officer or Person to the Common Gaol or House of Correction of the County, Town or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Committee of Management, and shall have paid such Composition in such Manner as the said Committee shall appoint, and which Composition the said Committee are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Committee: Provided always, that no Person who shall be so committed for want of sufficient Effects shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Committee of Management to make Calls for Money.

And XXII. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time, at any of their Meetings aforesaid, to make such Call or Calls for Money from the several Subscribers to the said Undertaking, in order to defray the Expences of or for carrying on the same, as they shall from Time to Time find necessary for these Purposes, until the Sums subscribed are fully paid; all which Money so to be called for as aforesaid, shall be paid into the Hands of the Treasurer for the said Association, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct.

Proprietors to pay their Shares of the Money called for at the Place appointed.

XXIII. And be it further enacted, That the Proprietor or Proprietors of every Share or Shares in the said Undertaking, or Subscriber or Subscribers to the same shall, from Time to Time, pay his, or her, or their Proportion of the Money so to be called for, as herein-before mentioned, into the Hands of the Treasurer of the said Association, at

at such Time and Place in the City of *Edinburgh*, as shall be appointed for that Purpose by the Committee of Management making such a Call, and of which Notice shall be given by public Advertisement in any Two of the Newspapers usually published in *Edinburgh*; and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, as the Case may be; and in case any Person or Persons holding a Share or Shares in the said Undertaking shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid, for the Space of Six Calendar Months after the Time to be appointed for Payment of the said First Call as aforesaid, and the same shall not have been sued for by the said Association as aforesaid; or if sued for shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking; and all Shares that shall or may be so forfeited shall be vested in the said Association in Trust for and for the Benefit of all the Rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking; or shall, at the Discretion of the said Association or Committee of Management, be sold by Public Auction, for the most Money that can be got for the same, and the Sum or Sums which shall be obtained for the same shall be applied to the purposes of this Act; and in the Event that any Person or Persons holding such Share or Shares as aforesaid, paying any such First Call, shall neglect or refuse to pay his, her, or their proportionable Part or Parts of the Money to be thereafter called for as aforesaid, and for the Space of Six Calendar Months after the Time to be appointed for the Payment thereof as aforesaid, and the same shall not be sued for by the said Association as aforesaid, or if sued for shall not be recovered by them, then and in such Case the Share or Shares shall and may be sold by the said Association or their Committee of Management, by public Auction, for the highest or best Price or Prices that can be got for the same, every such Sale being advertized once a Week at least for Two Weeks successively in some Two or more of the Newspapers published in *Edinburgh*; and the said Association, or the said Committee of Management, rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person any Overplus of any such Price or Prices, after deducting all such Charges, and such farther proportionable Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Association; but no Advantage shall be taken of such Forfeiture of any Share or Shares, in the said Undertaking as aforesaid, unless the same shall be declared at some General or Special Meeting of the said Association or Committee of Management which shall be

And if First Call not paid in Six Months Shares to be forfeited.

held not earlier than Three Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared, shall be an absolute Indemnification and Discharge, to and for the Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract, or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns and the said Association, with regard to the future carrying on and Management of the said Undertaking.

Direction for Proceedings and Actions for Calls.

XXIV. And be it further enacted, That in any Actions or Suits brought by the said Association against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Association for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Association to declare and allege that the Defender or Defenders, Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Association in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to; for such and so many Call or Calls, of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defender or Defenders, Defendant or Defendants (as the Case may happen to be) whereby a Right of Action or Suit hath accrued to the said Association by virtue of this Act, without setting forth the special Matter; and, in such Action or Suit it shall only be necessary to prove that the Defender or Defenders, Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given, as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or other Matters whatsoever; and the said Association shall thereupon be entitled to recover the Call or Calls which shall appear to be due, and the legal Interest that may be due thereon, and the Expences that may be incurred in prosecuting for and recovering the same.

Persons selling Shares after a Call, to be liable for such Call.

XXV. And be it further enacted, That after a Call of such Money shall have been made by such Committee as aforesaid, every Person, and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act; unless such Person or Persons so selling or transferring shall, at the Time of such Sale or transfer, have paid to the Treasurer of the said Association of Proprietors, the whole and entire Sum of Money which shall have been previously called for upon each Share so sold or transferred.

Power to borrow Money.

XXVI. And be it further enacted, That it shall and may be lawful to and in the Power of the said Association, or of their Committee of Management, to borrow, or to take up in Loan, at Interest, any Sum or Sums of Money for completing the said Undertaking, if

if requisite, not exceeding the Sum of Ten thousand Pounds in the Whole, and to grant, execute, and deliver to and in Favour of the Lenders, or those having Right, such Bonds, Obligations, or other Deeds in Writing as may be required, binding the whole Works of every Kind belonging to the said Association, for Payment of the Sum or Sums so borrowed, with Interest and Penalty, as is usual in such Cases; and such Deeds shall, if it shall be requisite, contain the Clauses usual and necessary by the Laws of *Scotland*, for vesting in the Lenders of the said Monies the heritable Subjects belonging to the said Association, in Security of the said Sums.

Shares may be sold.

XXVII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; and, on every such Sale, the Assignment or Deed of Conveyance, (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Shares), shall be indorsed by any Three of the said Committee of Management, and shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Secretary to the said Association shall have entered in a proper Book or Books, to be kept for that Purpose, a Memorial or Specification of such Transfer and Sale for the Use of the said Association, and shall have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid; and the said Secretary is hereby required to make such Entry or Memorial accordingly, immediately without any undue Delay; and until such Deed of Sale, Indorsement, and Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Right to any Vote as a Proprietor or Proprietors of the said Undertaking.

Assignment to be entered in Books of Company.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

XXVIII. And be it further enacted, That the said Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be intitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by their Secretary, and after such Entry, to cause the same to be signed by their Chairman; and they shall also cause a Certificate so signed by the Chairman and Secretary to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he, she, or they is or are intitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her, or their Successors, Executors, Administrators, and Assigns, to the Share or Shares therein specified.

For the Purpose of making and receiving Calls, the Persons whose Names are

XXIX. And be it further enacted, That the Bodies Politic, Corporate, and Collegiate, and all and every Person or Persons whose Names shall at any Time hereafter stand in the said Register Book, or List of Proprietors of the said Association, either as a Proprietor or Proprietors of one or more Share or Shares in the said Undertaking, whether

standing in the Books as Proprietors, are to be deemed the actual Proprietors.

whether as Subscribers or as Successors, Executors, Administrators, or Assigns of Subscribers, shall be deemed and taken to be Proprietors of the several Share or Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given, previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing, by the Register Book of the said Association to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought, or to be brought, by the said Association to recover the said Calls, or to entitle any Person to recover any Share or Shares forfeited to the Association of Proprietors, other than such Persons as appear upon the said Book to be Proprietors of the said Shares; but that, in all Cases, the said Book shall be considered as Evidence of the Proprietorship of the said Share or Shares.

Association or Committee may contract for the Purchase of Grounds.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Association, or their Committee of Management, and they are hereby empowered, as often as it may be necessary, to contract and agree for the absolute Purchase of any Grounds, Tenements, or Heritages which they may require for the Purposes of this Act, with any Body Politic, Corporate, or Collegiate, Heirs of Entail, or any Tenant or Tenants for Life, or for any Term or Terms of Years, absolute or determinable on any Life or Lives, or any Trustee or Trustees, Executors, Administrators, Husbands, Guardians, Tutors or Curators for Minors or for fatuous and furious Persons, or Persons under any legal Disability or Incapacity, not only for and in Behalf of themselves, their Heirs and Successors, but also for and in Behalf of the respective Persons interested, whether Infants, Minors, or Issue unborn, fatuous or furious Persons, or married Women, or Persons under any legal Disability or Incapacity, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever, who shall be willing to sell the same, for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Association to hold such Lands, Tenements, and Heritages so purchased; any Law or Statute to the contrary notwithstanding.

Powers to Heirs of Entail, &c. to convey Ground, &c.

XXXI. And be it enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, fatuous or furious Persons, for Persons absent from *Scotland*, and for others, and to and for all and every other Person or Persons whatsoever, under any other Disability or Incapacity, who are or shall be seised, possessed

of, interested in, or entitled to any of the Grounds, Houses, or other Premises required for the Purposes of this Act, to sell and convey the same to the said Association, or otherwise to agree with them for the Use thereof for the Purposes aforesaid, or if they shall see fit to give, grant, and convey to the said Association the said Grounds, Houses, or other Premises, without requiring or taking any Price or Recompence for the same; and that all Contracts, Agreements, Sales, or other Conveyances that shall be made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary notwithstanding.

Application of Compensation when amounting to 200*l.*

XXXII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Heritages, or other Premises purchased or taken or used, by virtue of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds, under the Direction and by Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, 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 on behalf of the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land-Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the said 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 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 Lands, Tenements, or Heritages, 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 or for behoof of the Person or Persons who would for the Time have been entitled to the Rents and Profits of the Land, Tenements, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

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

XXXIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Persons under any 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

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the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Heritages 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 any of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner hereinbefore 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 Five or more of the said Committee of Management, (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 any Manner hereinbefore directed, so far as the Case may be applicable.

When less than 20*l.*

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as last before mentioned, shall 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee, or any Five or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any Question shall arise touching the Right to Money.

XXXV. Provided always, 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 Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, under the Direction and by Authority of the Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest, in any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Heritages according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court, and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased shall be paid, applied, and disposed of accordingly, unless it shall be made to 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 Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Court may order Application of Purchase Money in

XXXVI. Provided also, and be it further enacted, That where by Reason of any Disability and Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Heritages, to be purchased under the Authority of this Act, the Purchase Money for the same

same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements, or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases to be made from Time to Time in pursuance of this Act, or so much of such Prices or other Expences as the Court shall deem reasonable to be paid by the said Association of Contributors, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct; and provided also, that in all Cases where it shall be necessary to make Application to the said Court in regard to any Monies so paid into the said Court, the Expence of such Application shall be paid by the said Association. Cases of Incapacity.

XXXVII. And be it enacted, That the said Association, or their Committee of Management, shall and may build and erect, or cause to be built and erected, upon the Grounds and Premises to be acquired by them as before mentioned, a Building or Erection, Buildings or Erections, of ornamental Architecture appropriate to the Purposes of a National Monument as aforesaid, in such Manner, and upon such Plan or Plans as they shall see fit. National Monument to be erected.

XXXVIII. Provided always, and be it enacted, That Part of the said Building or Erection, Buildings or Erections, shall be appropriated as a Church, or Place for Divine Worship, to be maintained in all Time coming by the said Association. To comprehend a Place of Worship.

XXXIX. And be it enacted, That the whole Charges and Expences of preparing Plans, and of making the said Building or Erection, Buildings or Erections, and the said Church or Place for Divine Worship connected therewith, and of all the Furniture, Ornaments, and finishing of the same, and of afterwards maintaining and upholding the same, shall be defrayed from the Funds of the said Association. To defray the Charges thereof.

XL. And be it further enacted, That a Majority of the Members of the said Association who shall be present at their said Annual Meeting, to be held as aforesaid, shall have Power, and they are hereby authorized and empowered from Time to Time to make such Rules, Regulations, and Bye Laws as they shall judge expedient for the Regulation of the Affairs of the said Association, and to fix and ascertain the Nature and Extent of the Rights and Privileges of the Members thereof in regard to the said Monument: Provided always, that the Rules, Regulations, and Bye Laws, Rights and Privileges, so to be made and ascertained, shall not be contrary to the Law of *Scotland*, or repugnant to any of the Provisions in this Act contained. Bye Laws may be made.

XLI. And be it enacted, That it shall be lawful to the said Association, or their Committee of Management, to make and construct Places of Sepulture beneath or connected with the said Church or Place of Worship; and to let or sell the same for the best Rents or Prices that can be had for the same; and such Rents or Prices shall be Places for Sepulture.

be applied by the said Association to the Purposes of this Undertaking.

Patronage vested in His Majesty.

XLII. And be it enacted, That the Advocation, Donation, and Right of Patronage of any Church or Place of Public Worship, to be erected and maintained as aforesaid, shall be and the same are hereby vested in His Majesty and His Royal Successors.

Notices on the Association how to be served.

XLIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties to serve any Notice or Notices, or any legal Proceedings upon the said Association, the Service thereof upon the Secretary of the said Association, or left at the Office of such Secretary, or at his last or usual Place of Abode, or in case the same cannot be found or known, then Service upon any other Agent or Officer employed by the said Association, or on any Member of the said Association, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Association.

Application of Money to be raised.

XLIV. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act, is hereby directed and appointed to be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relating thereto; and all the Residue and Remainder of the said Money for and towards making, completing, and maintaining the aforesaid Buildings, Erections, and other Works, and for other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Public Act.

XLV. And be it 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, Justices, and others, without being specially pleaded.

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