holder in such Association or Copartnership, such Defendant shall be entitled to the full Costs of such Plea or other Defence, to be paid by the Plaintiff, and to be taxed as the Court in which the said Action or Suit shall be depending, or any Judge thereof, shall direct; and in order fully to indemnify such Defendant it shall be lawful for such Court or Judge to order the Plaintiff to pay to him such further Costs (if any) of the said Action or Suit as the Justice of the Case may require.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended this Session.

CAP. XV.

An Act for the Erection at *Edinburgh* of a Monument to the late Sir *Walter Scott*. [18th *May* 1841.]

'WHEREAS it is intended to erect a public Monument in the Metropolis of *Scotland*, in order to testify to future 'Times the Admiration wherewith the Cotemporaries of the 'late Sir *Walter Scott* of *Abbotsford*, Baronet, regarded his bril- 'liant and fertile Genius, and the many high and amiable 'moral Qualities which are displayed throughout his Writings: 'And whereas an Act was passed in the Third Year of the 'Reign of His Majesty King *George* the Fourth, intituled *An* 3 G. 4. c. 91. '*Act for regulating the Mode of accounting for the Common Good* '*and Revenues of the Royal Burghs of* Scotland: And whereas 'another Act was passed in the First and Second Years of Her 'present Majesty, intituled *An Act to regulate and secure the Debt* 1 & 2 Vict. c 55. '*due by the City of* Edinburgh *to the Public, to confirm an Agree-* '*ment between the said City and its Creditors, and to effect a Settle-* '*ment of the Affairs of the said City and Town of* Leith; by 'which Acts the Lord Provost, Magistrates, and Town Council 'of *Edinburgh* are prohibited from alienating, gratuitously, any 'Part of the Property belonging to the said City: And whereas 'an Act was passed in the Seventh and Eighth Years of the 'Reign of His Majesty King *George* the Fourth, intituled *An* 7 & 8 G. 4. '*Act for carrying into effect certain Improvements within the City* c. lxxvi. '*of* Edinburgh *and adjacent to the same*, by which it was, *inter* '*alia*, provided that it should not be competent to erect 'Buildings of any Kind upon the Area opposite to *Princes* '*Street* Eastward of the Mound in the City of *Edinburgh*, 'belonging in Property to the Lord Provost, Magistrates, and 'Council of the said City, and that the whole of the said Area 'should be used as an ornamental Area in all Time coming, 'excepting always a public Theatre or Playhouse: And whereas 'another Act was passed in the First and Second Years of 'the Reign of His Majesty King *William* the Fourth, intituled '*An Act to alter and amend an Act passed in the Seventh and* 1 & 2 W. 4. c. xlv. '*Eighth Year of the Reign of His late Majesty, intituled* 'An Act '*for carrying into effect certain Improvements within the City of* 'Edinburgh *and adjacent to the same*,' in which Act the afore-

'said Prohibition is recited and re-enacted: And whereas the 'said Area is deemed to be the most eligible Situation for the 'said Monument, and it is therefore expedient that the said 'Restriction, so far as regards such Building, should be re-'pealed, and that the Lord Provost, Magistrates, and Council 'of the City of *Edinburgh* should be empowered to make a 'gratuitous Grant of the Ground required for the aforesaid 'Purpose, in respect of the Nature of the Object to be accom-'plished, and the Ornament to be thereby afforded to the 'City: And whereas it is expedient that Authority should 'be given to the Persons subscribing towards the Expence of 'erecting the said Monument to construct the same on the 'said Area;' be it therefore enacted by the Queen'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 so much of the said recited Acts as enacts that it should not be lawful to erect Buildings of any Kind upon the Area opposite to *Princes Street* Eastward of the Mound in the City of *Edinburgh*, and that the whole of the said Area should be used as an ornamental Area in all Time coming, shall be repealed, and it shall be lawful to erect thereon a Monument to the said Sir *Walter Scott*, which the Persons subscribing to the Expences thereof are hereby authorized to do.

Repealing the Prohibition to build upon the Area described, and authorizing the Erection of a Monument thereon to Sir Walter Scott.

II. And be it enacted, That so much of the said Two last-recited Acts as exempts a Theatre or Playhouse from the Prohibition against erecting Buildings on the said Area in *Princes Street* Eastward of the Mound shall be repealed; and the said Prohibition, and all the Provisions contained in the said Two last-recited Acts against the Erection of other Buildings on the said Area, shall be and the same are hereby ratified and confirmed, so that it shall continue incompetent to the said Lord Provost, Magistrates, and Council of *Edinburgh*, or to any Person or Persons, to erect Buildings of any Kind upon the said Area, or to discharge any Restriction against building thereon, as set forth in the said Acts, excepting always the Buildings specially authorized by this Act.

The Exemption of a Playhouse from the Prohibition against Building repealed.

III. And be it enacted, That the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh* are hereby authorized and required to grant and apply, without Price or Consideration, so much of the said Area opposite to the End of *Saint David Street*, together with the necessary Access to the same, as shall be required by the Persons subscribing as aforesaid, as a Site for the said Monument, and for a House in connexion therewith to be occupied by the Keeper thereof: Provided always, that the Space so to be granted for the Site of the said Monument shall not exceed One hundred and twenty Feet Square, and Fifty Feet by Thirty for the Keeper's House, and that such House shall not exceed in Height a Line Six Feet below the Level of the Roadway of *Princes Street*, and that the Plan and Position of the said House shall be approved of by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*

Magistrates of Edinburgh authorized to grant the Ground gratuitously.

Edinburgh before the same is begun to be erected: Provided also, that Compensation shall be made for any Damage that may be occasioned to the Occupier of the said Area; and in case of any Difference as to the Amount thereof, the same shall be ascertained and fixed by the Sheriff of the County of *Edinburgh*, whose Determination shall be final, and not subject to Review.

Monument, when completed, vested in Trustees.

IV. And be it enacted, That as soon as the said Buildings shall be declared by the Subscribers to be completed, which shall be done by Intimation in Writing by the Clerk or Secretary of the said Subscribers, or other Person duly authorized by them, to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, the said Buildings, and the Area whereon the same are erected, shall be and the same are hereby, in virtue of this Act, and without any further Conveyance, vested in the following Persons; *videlicet*, the said Lord Provost, the Treasurer of the City of *Edinburgh*, the Dean of Guild of *Edinburgh*, the Lord Justice General, the Lord Clerk Register, or, in his Absence, the Senior Clerk of Session, and the Dean of the Faculty of Advocates, all for the Time being, together with the nearest surviving Male Relation for the Time being of the said Sir *Walter Scott*, as Trustees for the Care and Preservation of the said Monument.

CAP. XVI.

An Act to enable the Commissioners of Wide Streets to sell, and Her Majesty to purchase, certain Hereditaments in the City of *Dublin* on the North Bank of the River *Anna Liffey*. [18th *May* 1841.]

'WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in* England, *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney, it was enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues from Time to Time to contract for and purchase, for and on behalf of His Majesty, His Heirs or Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in Fee Simple, which should in their Judgment be desirable to be purchased for and on behalf of His Majesty, His Heirs or Successors; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments so purchased should be conveyed to His Majesty, His Heirs and Successors; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which

10 G. 4. c. 50.