ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxxviii.

An Act for erecting and maintaining within the Burgh of *Haddington* a new Court House, Record Rooms, and other Offices for the County of *Haddington*. [6th *June* 1832.]

WHEREAS the Court House within the Burgh of *Haddington* in the County of *Haddington*, wherein the Courts of the Sheriff, Commissary, and the Courts of the Freeholders of the said Shire are holden, is inconveniently small, and ill adapted for conducting the Business of these Courts therein; and the Place appropriated for the Custody of the Records of the said Courts is totally unfit for that Purpose, and there is no suitable Accommodation in the said County for holding the Quarter Sessions and other Meetings of the Justices of the Peace thereof, and no Place for the Custody of their Records; and it is therefore requisite that a new Court House should be built within the said Burgh, containing the necessary Rooms and Conveniences for the Sheriff, Commissary, Freeholders, and Justice of Peace Courts, and the Public Meetings of the said Shire, and for the Custody and Preservation of the Public Records thereof: But as these Objects cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord Lieutenant of the County of *Haddington* for the Time being, the Sheriff and principal Sheriff Substitute of the said County for the Time being, the Convener of the said County for the Time being, the

Commissioners appointed.

Right Honourable Lord *Elcho*, the Right Honourable Lord *John* Hay, the Honourable *Charles Francis Stuart*, the Honourable Major General *Patrick Stuart*, Sir *James Grant Suttie* Baronet, of *Balgone*; Sir *John Gordon Sinclair* Baronet, of *Stevenson*; Sir *David Kinloch* Baronet, of *Gilmerton*; Sir *Hew Dalrymple Hamilton* Baronet, of *North Berwick*; Sir *David Baird* Baronet, of *Newbyth*; Sir *George Warrender* Baronet, of *Lochend*; the Honourable Sir *Alexander Hope* of *Luffness*, *James Balfour* of *Whittinghame*, *Andrew Fletcher* of *Salter*, *David Anderson* of *Saint Germains*, *Robert Fergusson* of *Raith*, Sir *Francis Walker Drummond* Baronet, of *Hawthornden*; *Richard Hay Newton* of *Newton*, *William Hay* of *Hopes*, *John Hall*, *Dunglass*; *George Grant Suttie* younger, of *Balgone*; *Robert Stuart* of *Alderston*, *John Warrender*, *Lochend*; *James Hunter* of *Thurston*, *James Hay* of *Belton*, *James Hamilton* of *Bangour*, *William Cadell* of *Tranent*, and *George Buchan Hepburn* younger, of *Smeaton*, shall be and they are hereby nominated and appointed Commissioners for making and erecting a new Court House and Buildings proper for holding the Sheriff, Commissary, Freeholders, and Justice of Peace Courts, and for transacting the public Business and for preserving the Records of the said Shire, in such Situation within the said Burgh of *Haddington*, and with such Materials, as they shall think fit, according to a Plan and Estimates of the Expence thereof to be authenticated by a Quorum of the said Commissioners, and to be deposited with the Sheriff Clerk of the said Shire, and for making all necessary Contracts and Agreements for and concerning the same, and for executing all the Powers by this Act committed to them.

Sheriffs, &c. may act though Commissioners.

II. And be it further enacted, That the said Sheriff or Sheriff Substitute, or any Justice of Peace, shall not be disqualified from acting in the Execution of this Act by reason of being a Commissioner for the Purposes thereof.

Meetings of Commissioners.

III. And be it further enacted, That the said Commissioners shall meet within the present Sheriff Court Room at *Haddington* on the First *Tuesday* of *October* after the passing of this Act, between the Hours of Twelve and One, to carry this Act into execution; of which First Meeting the Sheriff Clerk of the said Shire is hereby directed and required to give Notice by Advertisement once in any Two Newspapers usually circulated in the said Shire at least Ten Days before the Day of such Meeting; and the said Commissioners shall and may at such Meeting, and at their several subsequent Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time adjourn to such Time and such Place as to them shall seem proper; and if it shall so happen that a Quorum of the said Commissioners shall not attend any such Meeting, the Commissioner or Commissioners then present, or the Clerk of the said Commissioners, shall from Time to Time, as often as the same shall happen, adjourn such Meeting to some other Day within Ten Days thereafter: Provided always, that it shall be in the Power of the Sheriff or Sheriff Substitute or Convener of the said Shire to call a Special Meeting, giving Ten Days previous Notice of such Meeting once in any Two Newspapers usually circulated in the said Shire.

IV. And

For filling up Vacancies in case of Death, &c., of Commissioners.

IV. And be it further enacted, That in the event of the Death or Refusals of any of the before-named Commissioners to act in the Execution of this Act, the Justices of the Peace for the said Shire shall be and they are hereby authorized and empowered, from Time to Time, at any General Meeting specially called on the Requisition in Writing of any Three of the Commissioners hereby appointed, to nominate and appoint a Commissioner or Commissioners in the Room of such of them as shall so die or refuse to act as aforesaid; and the Person or Persons so to be nominated and appointed shall from thenceforth have the same Power and Authority to act in the Execution of this Act as if he and they had been specially named therein: Provided always, that such Person or Persons so to be appointed shall at the Time be a Justice or Justices of the Peace for the said Shire, and that the Number of Commissioners for the Purposes of this Act shall at no Time exceed the Number hereby appointed.

No Act of Commissioners to be valid unless done at their Meetings.

Quorum.

V. And be it further enacted, That no Act of the said Commissioners shall be good, valid, or effectual, unless the same shall be done at some Meeting to be holden in pursuance of this Act (except as is herein-after provided); and all the Powers and Authorities hereby granted to the said Commissioners shall and may be exercised from Time to Time by the major Part of them attending at any Meeting to be holden as aforesaid, the Number of Commissioners present at such Meeting not being less than Seven, which is hereby declared to be a Quorum.

Commissioners may appoint a Committee.

VI. Provided always, and be it enacted, That the said Commissioners may, if they think fit, from Time to Time appoint a Committee of their Number, not consisting of less than Three, to superintend the Progress of the said Buildings, or to carry into effect any of the Purposes of this Act; but the Proceedings of such Committee shall be subject to the Controul of the said Commissioners at their Meetings to be held in manner herein-before directed.

Commissioners to elect Chairman;

and appoint a Collector, Clerk, and Treasurer.

VII. And be it further enacted, That the said Commissioners shall, at every Meeting to be holden under the Authority of this Act, elect a Chairman, who shall, in Cases of Equality, besides his deliberative Vote, have a casting Vote, and shall authenticate the Proceedings of such Meeting, and cause the Minutes thereof to be entered in a Book or Books to be kept for that Purpose; and it shall be lawful for the said Commissioners, at their First or any subsequent Meeting, to appoint a Collector or Collectors, Clerk, and Treasurer, with reasonable Allowances for their Trouble respectively, who shall hold and exercise his or their Offices during the Pleasure of the said Commissioners, and at all Times obey the Commands of the said Commissioners in the Execution of this Act.

Treasurer to give Security.

VIII. And be it enacted, That the said Commissioners shall (unless where all the Monies collected shall be lodged in an Account to be opened in the Names of the said Commissioners, or a Quorum thereof, with the Bank of *Scotland*, the Royal Bank of *Scotland*, or the Bank of the *British* Linen Company of *Scotland*, or any of the Branches

Branches of the said Banks,) take sufficient Security from every Treasurer to be appointed by them for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer shall enter on his Office; and, if they shall so think proper, shall also take such Security from any other Officer to be appointed under or by virtue of this Act, and shall limit the Sum beyond which he shall not retain any Money belonging to the said Commissioners.

Commissioners may sue and be sued in Name of their Clerk.

IX. And be it further enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in execution of this Act in the Name of their Clerk for the Time being, and not otherwise, and no Action or Suit to be brought or instituted by or against him by virtue of this Act shall abate by the Death or Removal of such Clerk, any Law or Practice to the contrary thereof notwithstanding, but the Clerk to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender in every such Action; and the said Commissioners shall not be personally answerable for what they or any of them shall do in the Execution of the Powers vested in them by this Act.

Clerk and Treasurer not to be the same Person.

X. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Books to be kept.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Ac-

counts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been so disbursed, laid out, and paid, which Books shall be made up to the Thirty-first Day of *December* in each Year, and shall be presented to and audited by the Commissioners at their First Meeting after the same shall be so made up, and shall at all reasonable Times be open to the Inspection of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or paying the Rates imposed by this Act, or otherwise affected thereby, without Fee or Reward; and the said Commissioners or any of them shall and may take Copies of or Extracts from the said Book or Books, and any other Book or Books by this Act directed to be kept by such Clerk, or any Part or Parts thereof respectively, without paying for the same; and in case the said Clerk shall omit or neglect to make up the said Accounts, or refuse to permit the said Commissioners or any of them, or others, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be levied, recovered, and applied in manner herein-after provided.

Officers to account.

XII. And be it further enacted, That every Officer and Person who shall be appointed or employed under the Authority of this Act shall from Time to Time, when thereunto required by the said Commissioners or others having their Authority, by Writing under the Hands of a Quorum or Committee thereof, make out and deliver to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Commissioners, or by any Person on their Behalf, to any Justice of the Peace of the County of *Haddington*, such Justice may and he is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, in such

Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Gaol of the said Burgh of *Haddington*, there to remain without Bail until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Money and Charges, and paid the Composition Money to the said Commissioners (and which Composition the said Commissioners are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress or Means of Payment shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Commissioners to assess the Shire in a Sum not exceeding 5,250*l.*

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, at their First or any subsequent Meeting, to assess or cause to be assessed, upon all Lands and Heritages contained in the Valuation Books of the said Shire of *Haddington*, and on the inhabited Houses in the said Shire, a Sum not exceeding Five thousand two hundred and fifty Pounds Sterling, to be applied to the Purposes of this Act, which Assessment, after deducting what Sums shall be levied from the inhabited Houses within the said County and Burghs of *Haddington*, *Dunbar*, and *North Berwick*, in manner herein-after provided, shall be levied and recovered by the Collector to be appointed by the said Commissioners, in so far as the same shall be levied on Lands and Heritages valued in the Valuation Books of the said Shire, in the same Manner and by such summary Process as the Land Tax is usually levied and recovered, and at such Time as the said Commissioners shall appoint; and the said Collector shall account for and pay over the Money arising from the said Assessment, under Deduction of his Commission, to the said Commissioners, or their Treasurer

Treasurer for the Time being; and it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, in manner aforesaid, to assess or cause to be assessed upon all inhabited Houses within the said Shire, and within the Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick*, of the Annual Value of Ten Pounds Sterling and upwards, a Sum not exceeding Three-pence Sterling in the Pound Sterling of the Annual Value according to which such inhabited Houses are assessed for the House Tax; the whole of which Assessment shall be paid by the Occupiers of Houses within the said Shire liable to the same; and where the Occupiers of the said Houses are Tenants, then and in that Case they shall be entitled and they are hereby authorized to retain from their Landlords One Half of such Assessments, which they shall be obliged, as they are hereby obliged and required, to allow as Part of the Rent due for such inhabited Houses, on Production of the Collector's Receipt for the same; which Assessment upon the inhabited Houses within the said Shire without the Bounds of the said Royal Burghs of *Haddington*, *Dunbar*, and *North Berwick* shall be levied and recovered by the Collector or Collectors to be appointed by the said Commissioners as aforesaid, at such Time as the said Commissioners shall direct; and the said Collectors shall account for and pay over to the said Commissioners, or their Treasurer for the Time being, the Monies arising from the said Assessment, in manner and under Deduction of their Commission as above mentioned; but it is hereby expressly provided and declared, that where any inhabited Houses of the annual Value of Ten Pounds or upwards have been or shall be erected on Lands valued in the Valuation Books of the said Shire, and chargeable with the Assessments hereby imposed, it shall be lawful for and optional to the said Commissioners to levy the said Assessments either upon such Lands or such Houses, but not upon both.

Assessment on inhabited Houses may be levied by Distress in Case of Default.

XIV. And be it enacted, That if any Person or Persons occupying any inhabited Houses liable to any such Assessment, shall neglect or refuse to pay the same when demanded, the said Commissioners are hereby empowered, by such Person or Persons as they shall authorize or appoint for that Purpose, to levy such Assessment by Distress and Sale of any Goods and Effects belonging to the Person so neglecting to pay any such Assessment; and it shall and may be lawful for the Persons so distraining, after the Space of Ten Days after such Distress shall be made and taken, if such Assessment shall not be sooner paid, to appraise and sell the Goods and Effects so distrained, returning the Overplus, if there be any, to the Owner or Owners thereof; after such Assessment, and the reasonable Charges of distraining, keeping, and selling such Goods and Effects, shall be deducted and paid.

Assessment for Repair of Court House.

XV. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required, at any Meeting adjourned or called as before provided, after the Erection of the said Court House and other Buildings, to impose an Assessment on the valued Rent of the Shire of *Haddington* a Sum not exceeding in any One Year Fifty Pounds Sterling, for the Purpose of maintaining and keeping the said Court House and Buildings in repair; which

which Assessment shall be raised, levied, accounted for, and paid over to the said Commissioners in such and the like Manner as the Assessment on the valued Rent of the said County first hereby imposed is authorized and directed to be raised, levied, accounted for, and paid over.

Power to purchase certain Property.

XVI. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to treat, contract, and agree with the several Persons having any Estate or Interest in the Tenements, Grounds, and other Hereditaments necessary for the Purposes of this Act, and described in the Schedule hereunto annexed, for the Purchase of the same, or of such Part or Parts thereof as may be required or deemed necessary for the said Purposes; and from and after Payment or Consignation of such Sum or Sums of Money as shall have been contracted and agreed upon between the Parties, or ascertained in manner herein-after directed, such Tenements, Grounds, and other Hereditaments shall be vested in the said Commissioners for the Purposes of this Act.

Commissioners may employ Persons not Freemen.

XVII. Provided always, and be it enacted, That it shall be lawful to the said Commissioners to employ, in the Erection and Completion of the said Court House and other Offices, any Workmen, Tradesmen, Artificers, or others, although not Freemen of the said Burgh of *Haddington* or Members of any of the Incorporations or Crafts of the said Burgh; and it shall be lawful for such Workmen, Tradesmen, Artificers, or others to execute any Work hereby authorized to be done under the said Commissioners, without being subject or liable to the Payment of any Fees or Admission Money to the said Burgh or Incorporations or Craftsmen thereof.

Incapacitated Persons may sell Property.

XVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Trustees, Tutors and Curators for Infants, Minors, or furious Persons, or others for whom they are Trustees, and for every other Person or Persons whomsoever, though under any legal Incapacity whatever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Heritages required for the Purposes of this Act, to sell and convey, and they are hereby authorized and required to sell and convey, the same or any Part thereof, for the Purposes aforesaid, to the said Commissioners; and all Contracts, Agreements, Sales, and other Conveyances that shall be so made shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or any other Matter or Thing whatever, to the contrary thereof notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Trustees, Tutors and Curators, Proprietors, and other Persons whatsoever, are and shall be hereby indemnified for what they shall do in virtue of or in pursuance of this Act.

In case of not agreeing, a Jury to be summoned.

XIX. And be it further enacted, That in case the said Commissioners, and the Proprietor or Proprietors, Occupier or Occupiers, or other Persons having any Estate or Interest in the Lands, Tenements, and other Heritages hereby authorized to be purchased, shall refuse or delay to treat, or shall not be satisfied with the Price or Consider-

ation offered by the said Commissioners for the same, or any Part thereof, or in case such Proprietor or Proprietors, Occupier or Occupiers, or other Persons, shall be absent, or from any other Cause shall be hindered or prevented from treating, after Twenty-one Days previous Notice to be given to him, her, or them, or left at or upon the Lands, Tenements, or other Heritages hereby authorized to be purchased, with the Tenant thereof, or with the known Agent of such Proprietor or Proprietors, requiring such Proprietor or Proprietors, Occupier or Occupiers, or other Person, to enter into an Agreement for the Price or Consideration to be paid for the same, it shall be lawful to and for the said Commissioners to apply by summary Petition to the Sheriff of the said County, or his Substitute, who is hereby empowered and required to order and direct a Jury of Twenty seven indifferent Persons to be summoned, a Third of whom shall be chosen, and to issue his Precept to that Effect in the usual Manner; which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff or his Substitute is hereby authorized and required to administer,) shall enquire into and estimate the Sum or Sums of Money to be paid by the said Commissioners for such Lands, Tenements, or other Heritages, or for the Loss or Damage which any Person or Persons having an Interest in the same may suffer or sustain; and after a Verdict is pronounced by the said Jury, the said Sheriff or his Substitute shall decern the Sum or Sums of Money thereby awarded to be paid by the said Commissioners to the Person or Persons entitled thereto; which Verdict, and the Judgment or Decrees following thereupon, shall be binding, final, and conclusive to all Intents and Purposes whatsoever, and shall not be subject or liable to Review or Alteration, by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding.

On Payment or Consignation of Money, Commissioners may take Lands.

XX. And be it further enacted, That after Payment of such Sum or Sums of Money as shall have been agreed upon between the Parties, or as shall have been awarded and decreed in manner aforesaid, within Thirty Days after the same shall have been agreed for, awarded, or decreed as aforesaid, to the Person or Persons entitled to receive the same, or, in case of his, her, or their Absence, or Refusal to accept the same, upon Consignation thereof into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, it shall and may be lawful to and for the said Commissioners to enter into or upon such Lands, Tenements, or Heritages, and to take down any Houses or other Buildings thereupon; and the same, and all the Estate, Right, Title, and Interest of every other Person in the same, shall immediately upon such Payment or Consignation vest in the said Commissioners for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the Proprietor or Proprietors, or Occupier or Occupiers, or other Person having any Estate or Interest therein, had executed regular Dispositions of the same, and Infeftments had followed thereupon; and no Stop shall be put to the Operations of the said Commissioners, on pretence of settling the said Damages, or that the same have not been paid and satisfied; and in case any Warrant shall have been obtained for stopping the Execution of any of the Operations hereby authorized, the Judge who granted the

same, or any other competent Judge, upon a Representation from the said Commissioners, is hereby directed and required immediately to recal such Warrant, and remove any Sist that may have been obtained as aforesaid: Provided always, that until such Payment or Consignation as aforesaid it shall not be lawful for the said Commissioners, or any Person acting under the Authority of this Act, to take down, remove, or otherwise affect any House or other Heritage hereby authorized to be purchased, without the Leave and Consent in Writing of the Person or Persons respectively entitled to such Payment or Consignation.

Expences of Jury and Witnesses, by whom to be paid.

XXI. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for a Recompence or Satisfaction for any Lands, Buildings, Tenements, or other Heritages of or belonging to any Body or Bodies Politic or Corporate, or to any Person or Persons whomsoever, than had been previously offered by or on behalf of the said Commissioners, or where no Compensation had been previously offered or tendered by or on behalf of the said Commissioners, or where, by reason of Absence or other Impediment as aforesaid, there shall not be found any Person or Persons who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Commissioners, as herein-before mentioned, then and in all such Cases all the Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled by the said Sheriff, and be defrayed by the said Commissioners; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, after Demand made, then the same shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Commissioners, or for a less Sum than had been so previously offered, the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne and paid by the Body or Bodies Politic or Corporate, or other Person or Persons, with whom the said Commissioners shall have Disputes or Controversies and the said Commissioners equally; and the Costs and Expences due by such Body or Bodies, Person or Persons, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the Payment or Consignation of the Remainder of the Purchase Money due by the said Commissioners, and Payment of the Expences or the Half of such Expences payable by the Commissioners, as the Case may be, as aforesaid, shall be deemed and taken to all Intents and Purposes to be a Payment or Consignation of the whole Sum or Sums so assessed and adjudged.

Penalty on Jurymen and Witness not appearing, &c.

XXII. And be it enacted, That the said Sheriff or his Substitute shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Five Pounds Sterling, on any of the Persons

Persons who shall be summoned and returned on any Jury or Juries, who without reasonable Excuse shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or being 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 without reasonable Excuse attend, or shall refuse to be sworn, or, being Quakers, to affirm, or who, being sworn, shall refuse to give Evidence, and from Time to Time summarily to levy such Fine or Fines by Distress and Sale of the Offenders Goods, with the reasonable Charges of such Distress and Sale, returning the Overplus (if any) to the Owners; and all such Fines shall be applied to the Purposes of this Act.

Application of Compensation Money when amounting to 200*l.*

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers 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 the Sum of Two hundred Pounds or upwards, under the Direction and by the 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, 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 by 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, or affecting other 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, Interests, 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 or 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 the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and above 20*l.*

XXIV. Provided always, and be it enacted, That if any Money be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to

to any Corporation, or to Persons under 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 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, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in the 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 herein-before 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 Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Party,) in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable.

When under 20*l.*

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid 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 Commissioners or any Three 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.

In case of questionable Title.

XXVI. 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 or which shall have been paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, under the Direction and by the 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 the Lands, Tenements, or Heritages so to be purchased in pursuance of this Act, or to 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, or 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 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.

XXVII. And

Price of Land to be consigned in certain Cases.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Tenements or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank as aforesaid.

Provision as to Costs of Purchases in certain Cases.

XXVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Banks or any of them, and to be applied in 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 Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who from Time to Time shall pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Commissioners may sell Lands acquired by them in certain Cases.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to sell, dispose of, and convey, or cause to be conveyed, all such Houses, Lands, Tenements, and Hereditaments, and Materials, or Parts thereof, as shall have been taken, purchased, or appropriated under the Authority of this Act, and shall not be required or used for the Purposes thereof: Provided always, that such Lands, Houses, Tenements, and Hereditaments shall be first offered for Sale to the

Party or Parties from whom the same shall have been respectively purchased; and all Monies arising from such Sales shall be applied by the said Commissioners towards the Expences to be incurred under the Authority of this Act; and whether such Sale or Sales shall be made or effected by the whole of the Commissioners hereby appointed, and to be from Time to Time elected or chosen Commissioners under the Authority of this Act, or by their Committee, or by a Quorum of the said Commissioners, such Sale or Sales, on a Conveyance or Conveyances being made to the Purchaser or Purchasers, and on the Purchase Money paid to the Commissioners acting under the Authority of this Act at the Time of such Sale or Sales, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever.

Monies to be received under this Act to be lodged in a Bank.

XXX. And be it enacted, That the said Commissioners, or their Treasurer, to be appointed as aforesaid, shall lodge all and every Sum or Sums of Money which they or either of them shall receive from the Collector for the said Shire and Burghs in manner foresaid with the said Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or any Branch of any of the said Banks, as the said Commissioners shall from Time to Time appoint, therein to remain at Interest till the same shall be required for the Purposes of this Act.

Commissioners may borrow Money.

XXXI. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized and empowered to borrow and take up at Interest on the Security of the Assessment hereby authorized to be levied, such Sum or Sums of Money as they shall judge requisite for defraying the Expence of erecting the said public Buildings, and procuring Plans and Estimates of the same, together with every other Expence attending the applying for and passing of this Act and carrying the same into execution, provided that the whole Amount of the Money so to be borrowed shall not exceed the Sum of Five thousand Pounds Sterling; and it shall be lawful for the said Commissioners, and they are hereby empowered, to assign or make over the whole or any Part of the Assessment hereby authorized to be imposed and levied to any Person or Persons from whom the Money aforesaid, or any Part thereof, shall be borrowed, as a Security for Payment thereof, and the Interest arising thereon, at a Rate not exceeding Five Pounds Sterling *per Centum per Annum*; and such Assignments in Security for Money to be borrowed as aforesaid shall be entered in a Book or Books to be kept by the said Commissioners or their Clerk for that Purpose, which Book or Books may be seen and perused by any Person or Persons in any way interested therein, without Fee or Reward; and the Assignments in Security to be granted by the said Commissioners for the Purposes aforesaid shall be transferrable by Indorsement, being duly subscribed by the Parties transferring in the Presence of One or more subscribing Witness or Witnesses; which Assignments so to be granted by the said Commissioners shall be made and executed by their Clerk in their Name, on their Behalf, he being specially authorized so to do by a General Meeting of Commissioners: Provided always, that the said Commissioners or their Clerk, or such Persons as they may appoint to receive the Money to be borrowed as aforesaid, shall not be personally

sonally subject to pay the same by reason of their authorizing the Signature of, or signing such Bonds as before directed.

Account of Expence of Court House, &c. to be deposited with the Sheriff Clerk.

XXXII. And be it further enacted, That when the said Court House and other Buildings, containing the necessary Rooms and Conveniences for the Sheriff, Freeholders, and Justice of Peace Courts, and for the Preservation of their Records, shall be finished under the Authority hereby given, an Account of the whole Expence thereof shall be made up and attested by the said Commissioners or a Quorum of them; which Account, together with the Books, Papers, Receipts, and all other Writings, Vouchers, Plans, Drawings, and Designs relative to the said Court House and other Buildings, shall be deposited with the Sheriff Clerk of the said County of *Haddington*, to be preserved, and to remain with the Records of the said Shire for the Information of all and every Persons and Person concerned.

Appeal.

XXXIII. And be it enacted, That if any Person shall think himself, herself, or themselves aggrieved by any Assessment imposed by virtue of this Act, it shall and may be lawful for such Person or Persons, within Three Months after any such Assessment shall have been demanded, but not afterwards, to appeal against the same to the Justices of the Peace at the Quarter Sessions of the said County, giving Ten Days Notice of such Appeal to the Collector of the Assessment, and lodging with such Appeal a Bond, with sufficient Surety or Caution, for fulfilling and implementing the Sentence to be pronounced, and for paying such Expences as shall be awarded by the said Justices of the Peace, who are hereby authorized to determine the Matter in dispute; and their Judgment shall be final and conclusive, without being subject to Revision, by Suspension, Advocation, Reduction, or otherwise, in any Court whatever.

Expences of Act.

XXXIV. And be it further enacted, That the Expence of procuring and passing this Act shall be defrayed out of the first and readiest of the Monies leviable under the Authorities herein contained.

Limitation of Actions.

XXXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or by virtue of this Act after Six Calendar Months from the Time the Fact was committed or the Cause of Action occurred for which such Action or Suit shall be brought; and the Defender or Defenders in any such Action or Suit may produce this Act and plead that the same was done by Authority and in virtue thereof; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time hereby limited for bringing the same, then and in such Case the Defender or Defenders shall be assoilzied from such Action or Suit, and the Pursuer or Pursuers therein shall be found liable to pay the whole Expence of Process incurred by the Defender or Defenders.

Public Act.

XXXVI. And be it further 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.

SCHE-

SCHEDULE referred to in the foregoing Act.

No.	Description of the several Properties all lying within the Burgh of Haddington.	Names and Designations of Owners.	No.	Names and Designations of Occupiers.
1	A Tenement of Dwelling Houses, Two Stories high, with a Stable and Cowhouse attached, and a Garden behind.	James Miller, No. 4, New City Chambers, Bishopsgate Street, London.	1	William Firth, Carter in Haddington.
			2	Mary M'Donald, Residenter, Haddington.
			3	Christian Jackson, Haddington.
			4	Archibald Cowan, Farrier, Haddington.
			5	George Young, Farrier, Haddington.
2	A Garden or Orchard, with an old Vault and a Cartshed adjoining.	John Runciman, Farmer, Cauldsheill, Parish of Bolton, County of Haddington.	1	John Beamont, Gardener, Haddington.
			2	Alexander Peffers, Carrier, Haddington.
3	A Tenement of Dwelling Houses, Three Stories high, and a Garden behind.	George Coates, Tailor, Middleton, County of Cork, Ireland, Fiar; and Elizabeth Beatson or Coates, Widow of the late Adam Coates, Portioner, Haddington, Liferentrix.	1	Elizabeth Beatson, or Coates, Liferentrix.
			2	Ann Coates and Marion Coates, Residenters in Haddington.
			3	Peter Crombie, Wright in Haddington.
			4	Robert Muat, Shoemaker, Haddington.
			5	Peter Watt, Smith, Haddington.
			6	Adam Cockburn, Watchmaker, Haddington.
			7	Mrs. Ronaldson, Rose Hall, near Haddington.
4	A Tenement of Dwelling Houses, Three Stories high, and a Garden behind.	Andrew and Robert Muat, Shoemakers, and John Muat, Grocer, Haddington.	1	Andrew and Robert Muat, Proprietors.
			2	John Harrison, Labourer in Haddington.
			3	Andrew Muat a Proprietor.
			4	Peter Dewar, Portioner in Haddington.

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