ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxviii.

An Act for building a Bridge over the River *Tweed*, between *Ladykirk* in the County of *Berwick* and *Norham* in the County of *Durham*; and for making Avenues and Approaches thereto.

[4th *July* 1838.]

WHEREAS the Fords and Passages across the River *Tweed* between the Counties of *Berwick* and *Durham* are for many Miles inconvenient and dangerous, and it would be attended with great Advantage to the Inhabitants of those Counties and the Public in general if a Bridge were erected at a convenient Place between the Two Bridges over the said River called *Coldstream Bridge* and *Union Bridge*, and if proper Roads of Approach were made thereto; but as the same cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it 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 the Honourable *Cospatrick Alexander Home* commonly called Lord *Dunglas*, *William Stephen Gilly* Doctor in Divinity, *David Robertson* of *Ladykirk*, *William Tewart*, *John Strangeways Donaldson* of *Cheswick House*, *Samuel Swinton* of *Swinton*, *Robert Wilkie* of *Ladythorn*, *John Sibbit*, *Thomas Wood*, *Robert Darling*, and *John Grey*, Esquires, and their Successors, to be

Commissioners.

elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

Power to appoint additional Commissioners.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Three or more of them, and they are hereby authorized and required, at One or other of the Three First General Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Commissioners for the Purposes of this Act, together with the said Commissioners hereby appointed; and every Person who shall be so elected shall have the same Power and Authority to act as a Commissioner in the Execution of the Powers and Authorities hereby granted as if he had been appointed a Commissioner by this Act.

Rules for the Interpretation of this Act.

III. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Land" or "Lands" shall be used the same shall be understood to include Tenements, Hereditaments, Heritages, and Ferries; and where the Words "Corporation" or "Corporations," or either of them, shall be used, the same shall be understood to mean any Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Qualification of Commissioners.

IV. And be it further enacted, That no Person in this Act named shall be capable of acting, nor shall any Person hereafter be capable of being elected, or if elected be capable of acting, as a Commissioner for the Purposes of this Act, unless he shall be, either in his own Right or in the Right of his Wife, in the actual Possession or in the Receipt and Enjoyment of the Rents and Profits of Freehold, or of Copyhold or Customary Lands, Tenements, Hereditaments, or Heritages, and whether held for a Life or Lives, or otherwise, of the clear yearly Value of Fifty Pounds above Reprizes, or be possessed of a Personal Estate of the Value of One thousand Pounds after Payment of his Debts.

Commissioners to make and subscribe a Declaration before they act.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering or making the Declaration or Affirmation herein-after mentioned), until he shall, at some Meeting to be held under the Authority of this Act, have made and subscribed a Declaration, or have made an Affirmation in the Form or to the Effect following; (that is to say,)

Form of Declaration.

'I *A. B.* do solemnly and sincerely declare [*or*, *being a Quaker*, do 'solemnly affirm], That I am in my own Right [*or* in the Right of my 'Wife, *or* conjointly in right of myself and Wife, *as the Case may* '*be*,] in the actual Possession of [*or* in the Receipt and Enjoyment

'of

‹ of] the Rents and Profits of Freehold [*or* of Copyhold or Cus-
‹ tomary] Lands, Tenements, Hereditaments, or Heritages, held for
‹ a Life or Lives, or in which I am [*or* one of us is] entitled to
‹ some Estate of Inheritance of the clear yearly Value of Fifty
‹ Pounds above Reprizes [*or* that I am possessed of a Personal Estate
‹ of the Value of One thousand Pounds clear of all Deductions]; and
‹ that I will faithfully and impartially, according to the best of my
‹ Judgment, execute and perform the Powers and Authorities re-
‹ posed in me as a Commissioner by virtue of an Act passed in the
‹ Year of the Reign of Queen *Victoria*, intituled
‹ [*here set forth the Title of this Act*]; and I make this solemn
‹ Declaration conscientiously believing the same to be true.'

And any Person who shall wilfully and wrongfully make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, and be punished accordingly; and the Declaration or Affirmation herein-before required to be taken or made shall and may be administered by any one of the said Commissioners.

Certain Persons not to act as Commissioners

VI. And be it further enacted, That no Person shall be capable of being elected or of acting as a Commissioner for the Purposes of this Act during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act, or be concerned, directly or indirectly, in any Contract under this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Tolls by this Act authorized to be received and levied): Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Commissioner under this Act.

Commissioner may act as Justice of the Peace.

Penalty on Commissioners acting not being qualified.

VII. And be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, where the Offender shall reside in *England*, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and where the Offender shall reside in *Scotland*, by Action before the Court of Session; and every Person so sued shall prove that he was qualified, or (as the Case may be) that he was not disqualified, at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff or Pursuer than that such Person hath acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Commissioner without being qualified, or being disqualified, as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified, or had not been disqualified, as herein-before mentioned.

VIII. And

Election of Commissioners on Vacancy.

VIII. And be it further enacted, That whenever any Commissioner named in or hereafter to be appointed under or by virtue of this Act shall die, resign, or refuse to act, it shall be lawful for the surviving or continuing Commissioners, from Time to Time, at any Meeting to be held in pursuance of this Act, after the Decease of any such Commissioner, or on the Notice of the Resignation or Refusal of any such Commissioner, to elect some fit and proper Person to be a Commissioner in the Room of every Commissioner so dying, resigning, or refusing to act; and every Person who shall be so elected a Commissioner, if duly qualified, shall and may act with the surviving or continuing Commissioners in the same Manner and with the same Powers as if he had been originally named a Commissioner in this Act.

First Meeting of Commissioners.

IX. And be it further enacted, That the said Commissioners shall meet together at the *Black Bull* Inn in *Norham* aforesaid on the Third *Monday* next after the passing of this Act, at the Hour of Twelve at Noon, or as soon after as conveniently may be, and proceed to the Execution of this Act; and such First Meeting, or any subsequent Meeting of the Commissioners under this Act, may be adjourned from Time to Time, as the Commissioners present thereat shall judge necessary, and shall meet at such Time and Place, not exceeding Ten Miles from the Market Cross of *Norham* aforesaid, as the Commissioners present shall think proper; and in the event of a smaller Number of Commissioners than Three, or of only One Commissioner, attending at the First Meeting to be held at *Norham* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Commissioners so assembled, or such One Commissioner, to adjourn such Meeting to such Day as they or he shall think proper, not being more distant than One Calendar Month from and after the Day appointed for such former Meeting as aforesaid; and such Commissioners or Commissioner who shall so adjourn the Meeting as aforesaid shall authorize and direct their Clerk to give Notice of such Adjournment; and such Clerk shall cause Notice of such Adjournment to be given by Circular Letters to all the said Commissioners, or in such other Manner as the said Commissioners by an Order at any Meeting shall from Time to Time direct; or in case the said Commissioners, at any Time assembled, shall omit or neglect to adjourn themselves, or in the event of no Commissioner attending at the Time and Place appointed for any Meeting of Commissioners, then and in every such Case any Two or more of the said Commissioners, or the Clerk to the said Commissioners, shall call another Meeting of Commissioners by such Notice as aforesaid, or in such other Manner as aforesaid, at least Six Days before the Day appointed for such Meeting, which shall not be later than One Calendar Month after the Day of or appointed for such former Meeting as aforesaid, stating the Day and Purpose of such Meeting, and appointing the said Commissioners to meet at the House or Place where the last Meeting was held, or was appointed to be held, or some other convenient House or Place within the Distance aforesaid.

X. And

Quorum of Commissioners.

X. And be it enacted, That at the First and all subsequent Meetings of Commissioners under this Act Three Commissioners shall be a Quorum.

Power to appoint Committees.

XI. And be it further enacted, That the said Commissioners may appoint Committees out of their own Number to take the Care and Management of the said Bridge and Roads or either of them, or to execute the other Purposes of this Act, according to such Instructions, Rules, and Regulations as shall be given and laid down by the said Commissioners in a General Meeting assembled, consistent with this Act.

Proceedings to be entered in Books.

XII. And be it further enacted, That the Orders and Proceedings of all Meetings of the said Commissioners shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners.

Commissioners to appoint Officers, and take Security.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized from Time to Time to nominate and appoint a Treasurer, Clerk, or Collector, or such Officers as to the said Commissioners shall seem proper, and from Time to Time to remove such Officers or any of them, and to nominate and appoint another Person or other Persons in his or their Room or Stead, taking such Security from every such Treasurer, Clerk, Collector, or other Officer for the due Execution of their respective Offices, and paying or allowing them respectively such Salary and Compensation as the said Commissioners shall think proper.

The same Person not to be Clerk and Treasurer.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as the Clerk to the said Commissioners in the Execution of this Act, or the Partner of any 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, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or a Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer in the Execution of this Act, or, being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any 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 shall in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or otherwise, in any of Her Majesty's Courts of Record at *Westminster*, or in any of Her Majesty's Courts of Law competent within *Scotland*.

Officers, &c. to account.

XV. And be it further enacted, That every Treasurer, Surveyor, Clerk, Collector, or other Officer of the said Commissioners so to be appointed as aforesaid shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all Monies which shall have been by such Treasurer, Surveyor, Clerk, Collector, or other Officer received by virtue and for the Purposes of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purposes, together with proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in his or their respective Hand or Hands to the said Commissioners, or to such Person as they shall respectively appoint; and if any such Treasurer, Surveyor, Clerk, Collector, or Officer shall refuse to produce or deliver up such Accounts, Receipts, or Vouchers, or to make Payments as aforesaid, or shall not deliver to the said Commissioners, or to such Person as he or they shall respectively appoint, within Seven Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands to the said Commissioners, or as they shall respectively direct and appoint, then and in either of the Cases aforesaid it shall be lawful for any One Justice of the Peace for the said County of *Durham* or County of *Berwick* respectively, upon Complaint to him by the said Commissioners, or by such Person as they shall respectively appoint, for that Purpose, to summon before him any such Treasurer, Surveyor, Clerk, Collector, or other Officer, and upon his or their 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 Account or Accounts; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies that shall have been collected, raised, or received by virtue of this Act shall be in the Hands of such Treasurer, Surveyor, Clerk, Collector, or other Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal in *England*,

England, or under his Hand in *Scotland*, to cause such Monies to be levied by Distress and Sale of the Goods, Chattels, and Effects of such Treasurer, Surveyor, Clerk, Collector, or other Officer respectively; and if no Goods, Chattels, or Effects of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, in his Possession or Power, or the Books, Accounts, Papers, and Writings in his Custody or Power relating to the said Undertaking, then and in any or either of the Cases aforesaid such Justice may commit every such Offender to the Common Gaol for such County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition, in such Manner as they respectively shall appoint, (which Composition the said Commissioners are hereby empowered to make), and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners; but no Treasurer, Surveyor, Clerk, Collector, or other Officer so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Books of Account to be kept, and to be open for Inspection.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, 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 Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Works, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Creditor of the Tolls to be collected and taken on the said Bridge and Roads, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Commissioners or Creditors to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

XVII. And

Power to erect Toll Gates, and to take Tolls.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to erect at, near, upon, or across the said Bridge, or upon or across the said Approaches, or any or either of them, or any Part thereof, or upon the Sides of such Approaches or of either of them, or of any Part thereof respectively, when and where and as they shall judge necessary, any Toll Gates or Toll Bars and Toll Houses, and other Houses, Outhouses, and Conveniences thereto, and from Time to Time to alter or take down and rebuild or to discontinue and remove the same or any of them, as they the said Commissioners shall think proper; and it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to demand and take, or cause to be demanded and taken, at some one Toll Gate or Toll Bar to be erected as aforesaid, before any Person, Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through the same, or over the said Bridge, any Tolls not exceeding the Tolls herein-after mentioned; (that is to say,)

Tolls.

For every Foot Passenger One Penny:

For every Horse, Mule, or other Beast whatsoever (except an Ass), drawing any Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, One Shilling:

For every Ass drawing any such Carriage, Sixpence:

For every Horse, Mule, Ox, or other Beast whatsoever (except an Ass), drawing any Waggon, Cart, or other such Carriage, Sixpence:

For every Ass drawing any Cart or other such Carriage, Three-pence:

For every Horse, Mule, or other Beast of Burden (except an Ass), laden or unladen, and not drawing, Sixpence:

For every Ass, laden or unladen, and not drawing, Three-pence:

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, the Sum of One Shilling and Eight-pence, and so in proportion for any greater or less Number:

And for every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, the Sum of Ten-pence, and so in proportion for a greater or less Number.

Table of Tolls to be put up.

XVIII. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List distinguishing the several Tolls to be paid in virtue of this Act, and the Name of the Collector of the said Tolls, and to renew such Tables whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Commissioners to demand, or take, or cause to be demanded or taken, at any Toll Gate, any Tolls for or in respect of any Person, Horse, Beast, or other Cattle or Carriage, but for and during such Time as the Board so painted as aforesaid shall remain affixed to such Toll Gate.

XIX. And

Tolls to be paid only once a Day.

XIX. And be it further enacted, That if any Tolls or Duties shall be once paid for any Person, or for any Horse or Horses or other Cattle, drawing or not drawing, passing through the said Toll Gate, such Person, or such Horse or Horses or other Cattle, with the same Coach, Cart, or other Carriage, shall be entitled to pass Toll-free during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night, and the Person paying the said Tolls shall be entitled to receive a Ticket specifying such Payment, and Liberty of Passage accordingly; but in case the same Horse or Horses or other Cattle (if let out for Hire) shall repass once or oftener with the same Coach, Cart, or other Carriage, with a new Fare or Loading, Toll shall be paid for the same for each Time of passing as for the first Time.

Exemptions from Toll.

XX. Provided also, and be it further enacted, That no Toll or Pontage shall be demanded or taken at any of the Toll Gates to be erected by virtue of this Act for any Horse belonging to Her Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse or Carriage employed in carrying or conveying the Mails of Letters or Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying the same, or in returning after having conveyed the same, except in so far as such Horse or Carriage is specially made liable to the Payment of Tolls and Duties by virtue of an Act made in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in* Scotland, *and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor shall any Toll be demanded or taken for any Waggon, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces; nor for Officers or Soldiers upon their March or upon Duty, nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty, nor for any Horses, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by such Persons in going to or returning from the Place appointed for and on the Days of Exercise, nor for any Person belonging to any Corps of Volunteer Infantry going to and returning from the Place appointed for and on the Days of Exercise, provided always, that all such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim and take the Benefit

53 G. 3. c. 68.

Penalty for claiming

Exemption where not entitled.

Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding One Pound Sterling.

Power to reduce and vary the Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at any General Meeting assembled, with the Consent of the Person or Persons entitled to Four Fifths of the Money then due and owing on the Credit of the said Tolls, to be signified in Writing under the Hand or Hands of such Person or Persons, or his, her, or their Attorney or Agent, to lessen or reduce all or any of the Tolls hereby granted for such Time and to such Extent as they shall think proper; and it shall be lawful for the said Commissioners again to raise the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted; and the Tolls so lessened or reduced or again raised shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are authorized or directed to be collected, recovered, and applied.

Power to lease the Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, at any General Meeting to be held under or by virtue of this Act, or at any Adjournment thereof, to lease or demise all or any of the said Tolls for any Term of Years not exceeding Three Years at any one Time, for such Rent, payable at such Times and under such Covenants, as they shall think fit, the said Commissioners taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised for Payment of such Rent and Performance of such Covenants as they shall think fit, which Rent shall be applied for the same Purposes for which the said Tolls are herein directed to be applied.

One Person only to be exempted for each Horse or Cart passing over the Bridge.

XXIII. And be it enacted, That every Person passing over the said Bridge shall be liable to Payment of the Toll hereby granted upon Foot Passengers, notwithstanding such Person may be carried in or upon any Waggon, Cart, or other such Carriage, or on a Horse, Mule, Ass, or other Beast, and that over and above and besides the Toll payable for every Horse, Mule, Ox, Ass, or other Beast drawing any such Waggon, Cart, or other such Carriage, excepting always the proper Driver of such Waggon, Cart, or other such Carriage, and the Person for whose proper Use every such Waggon, Cart, or other such Carriage may be *bonâ fide* employed when so passing, and excepting also one Rider upon every Horse, Mule, Ass, or Beast not drawing; and if any Person shall claim Exemption from the Payment of the said Toll, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding One Pound Sterling for every such Offence.

Power to stop any Person refusing to pay Toll.

XXIV. And be it further enacted, That if any Person liable to pay any of the Tolls hereby made payable shall, after Demand made thereof by any Collector appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector, by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing,

or of the Horse, Beast, Cattle, or Carriage for or in respect of which such Tolls ought to have been paid, until full Payment thereof, and to seize and distrain any Horse or other Cattle or Beast, together with the Bridles, Saddles, Gear, Harness, and Accoutrements thereto belonging, either together or separately from such Horse, Cattle, or Beast, (except that the Bridle or Reins by which such Horse, Cattle, or Beast shall be guided or restrained shall not be seized or detained separate and apart from such Horse, Cattle, or Beast,) or any Carriage drawn by any such Horse, Cattle, or Beast; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person so seizing and distraining shall and may sell the Horse, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any) arising from such Sale, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and if any Person shall forcibly pass through the said Toll Gate without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for forcibly passing.

XXV. And be it further enacted, That if any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage, at or near to the said Bridge, or at or near to any Toll House or Gate to be erected or set up by virtue of this Act, and afterwards put on or add the same Horse or Beast, or any other Horse or Beast, after having passed over the said Bridge, with Intent to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or receive from or deliver to any other Person or Persons, any Note or Ticket, with Intent to evade, or to enable or assist any other Person to evade, the Payment of the said Tolls or any Part thereof, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for evading Tolls.

XXVI. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Tolls, or the Amount of Toll due, or the Charges of keeping or selling any Distress, it shall be lawful for the Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may be,) until the Amount of the Toll due, and the Charges of keeping and selling the Distress, shall be paid, or until such Dispute shall be heard and determined by some Justice of the Peace for the County of *Durham* or *Berwick*, as the Case may be, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods, Chattels, and Effects of the

For settling Disputes concerning Tolls.

the Person so directed to pay the same, by Warrant under the Hand and Seal of such Justice if in *England*, and under the Hand of such Justice if in *Scotland*, which Warrant every such Justice is hereby empowered to issue; and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods, Chattels, and Effects shall have been distrained and sold.

Ferry Boats to be provided in case of Accident to Bridge.

XXVII. And be it enacted, That if at any Time after the said Bridge shall have been completed the Passage over the same shall become dangerous in consequence of Accident or Damage, or it shall be considered desirable to alter or repair or rebuild the said Bridge or any Part thereof, it shall be lawful for the said Commissioners, during such Time as shall be necessary for altering, repairing, or rebuilding the said Bridge or any Part thereof, to provide such Ferry over the said River as they shall think proper, and to receive thereat such Tolls as are herein-before authorized to be taken at the said Bridge and Approaches thereto; provided always, that such Ferry shall continue for such Time only as shall be necessary for altering, repairing, or rebuilding the said Bridge.

Power for the Commissioners to borrow Money.

XXVIII. And be it enacted, That it shall be lawful for the said Commissioners at a General Meeting assembled, and they are hereby empowered, from Time to Time, to borrow, upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding upon the whole at any one Time the Sum of Eight thousand Pounds, and by any Writing under their Hands and Seals to mortgage the said Tolls or any Part thereof, and the Toll Houses for collecting the same, (the Costs and Charges of mortgaging the same to be borne and paid out of such Tolls,) as a Security for the Payment of any Sum or Sums of Money so to be borrowed by the said Commissioners for the Purposes of the said Bridge and Roads, to such Person or Persons as shall advance and lend the same, with such Interest as shall be agreed upon; which Money so to be borrowed shall be applied and disposed of in such Manner as the said Tolls are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and if at any Time any Part of the Sums already borrowed or to be borrowed as aforesaid shall be paid off and discharged, it shall and may be lawful to and within the Power of the said Commissioners to borrow other and further Sums of Money, and to burden the said Tolls and Duties with the Payment of the same: Provided always, that such after Loan or Loans shall not upon the whole exceed the said Amount of Eight thousand Pounds; and every such Mortgage may be in the Form following, or in such other Form as the said Commissioners making the same shall think proper:

Form of Mortgage or Assignment.

‘ BY virtue of an Act made in the Year
‘ of the Reign of Her Majesty Queen *Victoria*, intituled [*here*
‘ *insert the Title of this Act*], we, of the Commis-
‘ sioners for executing the said Act, in consideration of the Sum of
‘ to the Treasurer to
‘ the said Commissioners in hand paid, do grant, bargain, sell,
‘ demise,

'demise, and assign unto *A. B.*, his Executors, Administrators, and 'Assigns, such Proportions of the Tolls to be collected at [*here 'specify the Toll Gate*] as the said Sum of 'doth or shall bear to the whole Sum due and owing on the Credit 'thereof, to be had and holden from this 'Day of in the Year of our Lord 'for and during the Continuance of the said 'Act, unless the said Sum of 'with Interest at the Rate of *per Centum per* '*Annum*, shall be sooner paid and satisfied.'

Memorials of Mortgages to be kept by the Clerk.

And Memorials of all such Mortgages, containing the Date, Names of Parties, and Sums secured, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Commissioners; which said Book or Books shall and may at all reasonable Times be perused and inspected by the said Commissioners, or any of them, or any of the Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward;

Mortgages may be transferred.

and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his Right, Title, Interest, or Benefit to or in the said Mortgage, and the Principal and Interest thereby secured, to any other Person whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his Hand, duly stamped, and in which the Consideration for such Transfer shall be truly stated, attested by One credible Witness, in the following Words, or in Words to the like Effect; (*videlicet,*)

Form of Transfer.

'I in consideration of do transfer 'this Mortgage or Assignment [*or* a certain Mortgage or Assignment, '*describing it, as the Case may be*], with all my Right and Title to the 'Principal Money thereby secured, and all Interest due and to grow 'due for the same, unto his Executors, Administrators, and 'Assigns. Dated this Day of One 'thousand eight hundred and *A. B.*'

And every such Transfer shall be produced and notified to the said Clerk or Treasurer within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of each Transfer in the before-mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties;* and it shall not be in the Power of any Person (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security, or the Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act shall be, in proportion to the Sum of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the

No Priority among Securities.

Priority of the Time of advancing any Sum of Money on such Mortgage, or of the Date thereof.

Application of the Money to be raised.

XXIX. And be it further enacted, That out of the first Money which shall be collected at the several Gates or Turnpikes to be erected as aforesaid, or out of such Money as shall be borrowed upon the Credit of the Tolls herein-before by this Act imposed, all the Expences and Charges incident to and attending the applying for, obtaining, and passing of this Act, and also all Costs, Charges, and Expences incident to or attending the making or obtaining Surveys, Plans, and Estimates of the said Bridge and Works therewith connected, and of the Roads of Approach thereto, shall in the first place be satisfied and discharged, and that afterwards the Money arising by the said Tolls shall be applied and disposed of in making, erecting, and building and keeping in repair the said Bridge and the Works connected therewith, and in making and keeping in repair the said Roads of Approach, and proper Toll Bars, Toll Houses, and Premises, in making Payment and Satisfaction for all Lands bought for the Purposes of this Act, and Satisfaction for all Damages occasioned by carrying this Act into execution, in paying the Interest and Principal of the Money to be borrowed on the Credit of the said Tolls, and in the necessary Charges and Expences attending the Execution of this Act.

Commissioners to build the Bridge, and make Roads of Approach thereto.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners to erect and build or cause to be erected and built, of such Construction and Materials as they may think fit, and to complete, maintain, and keep in repair, a Bridge over the said River *Tweed* between the Parish of *Ladykirk* in the County of *Berwick* and the Parish of *Norham* in the County of *Durham*, and to dig and make proper Foundations in the said River and on any Island in the same, and in the Lands lying on each Side thereof, for the Piers and Abutments of the said Bridge; and to cut and level any such Island, and the Banks of the said River, in such Manner as shall be necessary and proper for building the said Bridge; and also to make or cause to be made and to maintain the necessary Roads of Approach to communicate with the said Bridge; (that is to say,) one between the said Bridge and the Turnpike Road leading from the Village of *Norham* to the *West Ford*, and another between the said Bridge and the Road leading from *Upsettlington* to *Ladykirk*; and to cut, remove, take, and carry away all Trees, Roots of Trees, Rock, Gravel, Sand, Mud, or any other Impediment whatsoever which may in anywise hinder the erecting, building, repairing, or completing the said Bridge, Avenues, Roads, and Approaches; and also to do, perform, and execute all other Matters and Things requisite and necessary, useful or convenient, for erecting, building, repairing, maintaining, and supporting the said Bridge and the Roads of Approach, according to the true Intent and Meaning of this Act, doing as little Damage as may be, and making Satisfaction, as herein-after mentioned, to the respective Owners and Occupiers of all Lands which shall be damaged, taken, or used, and for all legal Ferries discontinued or shut up or stopped

for

for the Purposes of this Act; and for the Purpose of erecting, building, maintaining, repairing, or supporting the said Bridge and Roads of Approach, the said Commissioners, or any Person to be appointed by them, shall from Time to Time have full Power and Authority to land and place on the Lands on either Side of the said River all Materials and other Things to be used in and about the Erection of the said Bridge and making the said Roads of Approach, and there to work and use such Materials and Things accordingly; and for the above Purposes or any of them to treat, contract, and agree for the purchasing of any Lands which the said Commissioners shall think necessary to be made use of upon account of the said Bridge or the said Roads of Approach, or the Execution of any of the Powers of this Act; and also to treat, contract, and agree for the Loss or Damage any Person may sustain whose Lands shall be really and truly encroached upon or damaged or destroyed, by or on account of the building of the said Bridge, or the making of the said Roads of Approach, or the Execution of any of the Powers of this Act; and also to treat, contract, and agree for the purchasing of any legal Ferries on the said River *Tweed* between the Bridge called *Coldstream Bridge* and the Bridge of Suspension over the said River at or near *Tweed Hill* commonly called the *Union Bridge;* and out of the Monies arising by virtue of this Act, or out of any Money to be raised on the Credit thereof, to pay for the Purchase of such Lands or Ferries, or for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between the Owners and Occupiers thereof and Persons interested therein and the said Commissioners, and also the Costs and Charges attending such Agreements and Purchases respectively.

Power to purchase.

XXXI. And be it further enacted, That the said Commissioners may contract and agree with any Person whomsoever to build, erect, complete, and finish the said Bridge; and to make the said Roads of Approach and other Works; and to maintain the said Bridge and Roads, and Works, when completed, in such Manner as the said Commissioners shall judge proper.

Commissioners may contract for building the Bridge and making Approaches.

XXXII. And whereas Maps or Plans, describing the Site of the said Bridge, and the Lines of the Roads of Approach thereto, and the Lands through, over, or upon which the same are intended to be made, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the said County of *Durham*, and the principal Sheriff Clerk for the said County of *Berwick;* be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace and Sheriff Clerk; and all Persons interested in any Manner in any such Lands shall at all reasonable Times have Liberty to inspect and peruse the same, and to have Copies of or Extracts from the same, on paying to the said Clerk of the Peace or Sheriff Clerk the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or true

Plans deposited with Clerks of Peace to remain there, and be open for Inspection.

true Copies thereof, or of so much thereof as shall relate to any Matter which shall be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Limiting Deviation from Plan.

XXXIII. And be it further enacted, That the said Commissioners, in erecting and building the said Bridge, shall not deviate more than One hundred Yards from the Site laid down on the Map or Plan of the same, without the Consent in Writing of the Person or Persons through, over, or upon whose Lands any such Deviation shall be made; and that in making and forming the said Avenues and Approaches the said Commissioners shall not, without the like Consent as aforesaid, deviate more than One hundred Yards from the Lines described on the said Map or Plan.

For preventing Injuries to, and Obstructions and Annoyances on, the Bridge and Roads.

XXXIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, or negligently injure, destroy, or otherwise damage the said Bridge, or any of the Works thereof or appurtenant thereto, or any Part thereof, or any Toll Gate, Toll Bar, or Toll House, or any Post or Wall belonging thereto, or shall remove or take away any Materials or Things belonging thereto, or to the said Commissioners, or shall ride or drive or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway to be made on the Side or Sides of any Part of the said Bridge or the Approaches thereto; or if the Driver of any Waggon, Cart, or other Carriage, meeting any other Waggon, Cart, or Carriage, or any Horse on the said Bridge or Roads, shall not keep his Waggon, Cart, or Carriage on the Left or Near Side of the said Bridge or Roads; or if any Person shall, by Negligence or Misbehaviour, prevent, hinder, or interrupt the free Passage of any Carriage or Horse, or of any of Her Majesty's Subjects, on the said Bridge or Roads; or if any Person or Persons shall set fire to or let off or throw any Squib, Rocket, or other Firework whatsoever, or play at Football or any other Game upon the said Bridge or Roads; or if any Person or Persons shall leave any Waggon, Cart, or Carriage, without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed, in or on the Sides of the said Bridge or Roads, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Wood, Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever upon any Part of the said Bridge or Roads of Approach, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay and defray the Amount of Damages done as aforesaid, together with the Expences thereof, to be ascertained and recoverable as herein mentioned.

Ferries and Fords to be discontinued.

XXXV. And whereas, in order to render the Tolls to be collected on the said Bridge or Roads productive for the keeping of the said Bridge and Approaches in repair, it is expedient that the Ferries and Fords herein-after mentioned should be shut up, stopped, and discontinued; be it therefore enacted, That so soon as the said Bridge shall have been erected and made passable, and so soon as the Whole of

of the legal Ferries between the said Bridge called *Coldstream Bridge*, and the said Bridge of Suspension over the said River at or near *Tweed Hill* commonly called the *Union Bridge*, shall have been purchased and acquired by the said Commissioners in manner herein-after mentioned, all such legal Ferries, and all other Ferries, and all Fords between the said Bridge called *Coldstream Bridge* and the said Bridge of Suspension called the *Union Bridge* shall be thenceforth discontinued, and shall be shut up and stopped in such Way or Manner as may appear to the said Commissioners most effectual; and it shall not thereafter be lawful for any Person, except as herein-after mentioned, to pass the said River by or across any Ferry or Ford, or to cause or allow any Carriage, Horse, Cattle, or Sheep, Lime or Coal or other Mineral, or any Goods, Wares, or Merchandize, Farm Produce or other Commodities, to pass or to be carried through, across, or over the said River at any Place situate between the said Bridges called *Coldstream Bridge* and *Union Bridge*, or to carry for Hire any Person, or any Animal, Coal, Lime, Goods, Wares, Merchandize, Farm Produce, or other Commodities, across the said River at any Place between the said Bridges, except along the Bridge hereby authorized to be built; and if any Person shall after the Time aforesaid ride, lead, or drive any Carriage, Horse, Cattle, or Sheep, or cause any Horse, Cattle, or Sheep, or any Animal, Coal, Lime, Goods, Wares, Merchandize, Farm Produce, or other Commodities, to be ridden, driven, led, or carried through, across, or over the said River, or carry for Hire any Person, or any Animal, Coal, Lime, Goods, Wares, Merchandize, Farm Produce, or other Commodities, across the said River, contrary to the Directions herein-before contained, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided, or if any Person shall pull down, destroy, or fill up any Ditch, or any Wall, Rail, or other Erection for preventing such Passage, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Legal Ferries to be purchased.

XXXVI. Provided always, and be it enacted, That no legal Ferry shall be discontinued, shut up, or stopped under the Authority of this Act until the said Commissioners shall have purchased and acquired the same from the Owner or Owners thereof, and shall have compensated such Owner or Owners for the same in manner herein-after mentioned.

Roads to Ferries and Fords shut up, and which shall have thereby become useless, may be stopped.

XXXVII. And be it further enacted, That where by reason of the making of the said Bridge and the Approaches thereto, and by the Discontinuance, shutting up, and stopping of any Ferry or Ford in manner before mentioned, any Road or Way to any such Ferry or Ford shall have become useless or of no Importance to the Public, it shall be lawful for the Justices of the County or Shire in which the same shall be situated, at any stated Meeting, on the Application of the said Commissioners, and with the Consent in Writing of the Owner or Owners of the Lands on the Sides of each such Road, to resolve to shut up and to give Orders for shutting up such Road after the Date of Six Months from the Date of such Resolution and Orders, if not appealed from as herein-after mentioned;

tioned: Provided always, that Thirty Days Notice of the Intention to make any such Application to the said Justices shall be given by Advertisement in some Newspaper usually circulated in the County or Shire, and by Advertisement affixed at the Church Door of the Parish or Parishes in which any Part of any such Road proposed to be shut up may be situated, and that any Person interested may complain of the Resolution or Order of the said Justices in any such Matter within Six Calendar Months after the Date of such Resolution or Order, but not otherwise, to the Justices of the Peace of such County or Shire, in the Manner herein-after mentioned in regard to Appeals to the Justices of the Peace in Quarter Sessions assembled; and the Determination of the Justices in such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Proprietors of Lands, &c., may sell to Commissioners.

XXXVIII. And be it further enacted, That it shall be lawful for all and every Owner, Proprietor, Occupier, Person, Body or Bodies Politic, Corporate, or Collegiate, Corporation, Company, Trustee, Heir of Entail, Tutor or Curator for Infants, Minors, furious or fatuous or other Persons, and Married Women, and all others whatsoever, although under any legal Disability or Incapacity of any Kind, not only in behalf of themselves, their Heirs, Successors, Executors, Administrators, and Assignees, but for and on behalf of all and every other Person whomsoever who are or shall be infeft, seised, or possessed of or interested in any such Lands whereon the said Bridge, Roads of Approach, and other Works and Premises, or any Part thereof, are or may be made as aforesaid, or of or in Lands in which Quarries, Stones, Gravel, and other Materials necessary for the said Undertaking shall be found, or of any legal Ferries authorized to be discontinued, shut up, and stopped, to treat, contract, and agree with the said Commissioners in carrying into execution the Purposes of this Act, and to sell and convey to them, for the Use of the Commissioners, all or any Part of such Lands which may be required for the Purposes of this Act, or the Right to such Ferries, and to contract and agree for Recompence and Compensation to be made for any Interest, Damage, or Loss that may be sustained by any such Person in the Execution of this Act; and all such Body or Bodies Politic, Corporate, or Collegiate, Corporations, Companies, Trustees, Heirs of Entail, and others before mentioned, and all other Persons, are and shall be hereby indemnified for what they shall do in pursuance of this Act.

In case the Parties refuse to treat, the Value of Land and of Damages to be settled by a Jury.

XXXIX. And for settling all Differences which may arise between the said Commissioners and the several Owners (including Persons by this Act capacitated as aforesaid) and Occupiers of or Persons interested in any Lands or Ferries which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Owner, Occupier, Trustee, Heir of Entail, Tutor or Curator, Married Woman, or other Person so interested as aforesaid, shall not agree with the said Commissioners as to the Amount of such Purchase Money or Satisfaction, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Pur-

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chase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within One Calendar Month next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of One Calendar Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any Owner, Occupier, Trustee, Heir of Entail, Tutor or Curator, Married Woman, or other Person so interested respectively, or left at his last or usual Place of Abode, neglect or refuse to treat, or shall not agree with the said Commissioners for the Sale and Conveyance of their respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall, by reason of any Impediment or Disability not provided for by this Act, or by reason of Absence or otherwise, be incapable of or prevented from making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Commissioners to take such Lands, or proceed in constructing the Works by this Act authorized, or to discontinue, shut up, or stop such Ferries, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, or of the Share, Interest, or Charge which they may claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, or Discontinuance of Ferries, or for the Apportionment of any such Charge as aforesaid, cannot be made, then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue a Warrant under their Hands to the Sheriff of the County in which the Premises in question shall be situated, or the Matter in dispute shall arise, commanding him to impannel, summon, and return, and the said Sheriff is hereby accordingly empowered and required to impannel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Sheriff Substitute, at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, or by some Person to be by him respectively appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, or Sheriff Substitute shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Sheriff Substitute is hereby empowered and required to summon before him all Persons who shall be thought necessary to

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be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Three or more of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, or being Quakers upon their Affirmations (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Sheriff Substitute is hereby empowered and required to administer), inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, or of such Interests therein as shall be in question, except for such Interest therein as shall have been of right purchased by the said Commissioners from any other Person, and also the Sum of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further wholly obviated, removed, or repaired by them; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid, or the Apportionment of the Charge in question, as the Case may require; and the said Sheriff, Under Sheriff, or Sheriff Substitute shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation or Apportionment as shall be assessed by such Jury: Provided always, that in such Inquiry as aforesaid the Person or Corporation claiming Compensation shall be Plaintiff or Pursuer, and shall have all such Rights and Privileges as Plaintiffs or Pursuers in Actions at Law are entitled to: Provided always, that not less than Four Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the Party with whom any such Controversy shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation, in the Case of a Corporation.

Verdicts to be recorded.

XL. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, or Sheriff Substitute presiding at the taking of such Verdict, and pronouncing of such Judgment respectively, where the Matter of Dispute shall have arisen in *England*, shall be kept by the Clerk of the Peace for the County among the Records of the Quarter Sessions for such County, and where the Matter of Dispute shall have arisen in *Scotland*, the same shall be kept by the Sheriff Clerk among the Records of the Sheriff Court; and such Verdicts and Judgments so kept shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and also to take or make Copies thereof, paying for every Copy after the Rate of Nine-pence for every One hundred Words.

XLI. And

Penalty on Sheriffs, &c. Jurors or Witnesses making Default.

XLI. And be it further enacted, That in that Part of the United Kingdom called *England*, if any such Sheriff, or his Under Sheriff herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Five Pounds, to be paid to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and in that Part of the United Kingdom called *Scotland* if any such Sheriff or Sheriff Substitute shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Five Pounds, to be paid to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Law competent within *Scotland*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker to affirm, or to give Evidence, every Person so offending in *England*, having no reasonable Excuse (to be judged of and determined by the said Sheriff or Under Sheriff in *England*), and every Person so offending in *Scotland* (having no reasonable Excuse, to be judged of and determined by the said Sheriff or Sheriff Substitute in *Scotland*), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Five Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace if in *England*, or under the Hand of any Justice of the Peace if in *Scotland*, for the County or Place in which the said Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods, Chattels, and Effects of the Person so offending, rendering to him, on Demand, the Overplus, if any, of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Expences of Jury, how to be paid.

XLII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of taking such Inquisition, and of obtaining a Verdict or Judgment thereon, or anywise incident to or consequent on the same, and the Expences of Witnesses, and of the Bond herein-after mentioned, shall be defrayed by the said Commissioners, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Sheriff Substitute as aforesaid; and in case such

such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods, Chattels, or Effects of the said Commissioners, or of the Treasurer of the said Commissioners, (and which Treasurer shall be at liberty to reimburse himself all such Costs and Expences, if paid by him, and all Costs and Expences incurred by him by reason of any such Distress, out of any Monies received by him by virtue of this Act,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place where such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue, under his Hand, if in *Scotland*, or under his Hand and Seal if in *England*, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Commissioners, One Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners, and the first-mentioned Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party, as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the Whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Notice of Injury to be given to Commissioners before Complaint.

XLIII. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless (after Application from the said Commissioners stating this Provision) Notice in Writing, signed by or on behalf of the Corporation, or by the Person making such Complaint, stating the Nature, Extent, and Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Commissioners, within the Space of Two Calendar Months after the Time of such Application from the said Commissioners.

The Court of Exchequer may order reasonable Expences in England to be paid by the Commissioners.

XLIV. And be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands or Ferries situated in *England*, to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, and the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into

into the Bank of *England*, it shall be lawful for the Court of Exchequer in *England* to order the Costs, Charges, and Expences attending the Purchase or taking or using such Lands, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Reinvestment of the Purchase or Compensation Money in Land, or so much of such Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the Exercise of the Powers conferred by this Act, and not by Litigation between Claimants or otherwise, of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money, and for the Payment of the Interest or Dividends thereof, and of such Securities, and of the Payment of the Money to be produced by the Sale thereof, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Expences of Titles in England to be paid by the Commissioners.

XLV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands or Ferries situated in *England* which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Commissioners may require to the said Lands or Ferries, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into Possession of the Lands or Ferries so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands or Ferries shall be purchased or taken: Provided always, that the said Commissioners shall not be prevented from entering into Possession of the Lands or Ferries so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands and Ferries shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to him by the said Commissioners, deliver a Bill of his said Costs, Charges, and Expences to the said Commissioners: Provided also, that in case the said Commissioners shall not require the making out or furnishing such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands or Ferries purchased or taken, such Seller shall be bound, at the Expence of the said Commissioners, to produce or cause the Production of the Title

Title Deeds relating to the said Lands or Ferries, when required by the said Commissioners so to do, without furnishing any Abstract of his Title.

How such Expences are to be ascertained.

XLVI. And be it further enacted, That if the said Commissioners and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Commissioners to the Party from whom such Lands or Ferries shall have been purchased or taken, shall be paid to the Party aforesaid: Provided always, that the said Commissioners shall not be at liberty to enter into Possession of the Lands or Ferries so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Commissioners shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Ladykirk* and *Norham Bridge*," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Commissioners, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands or Ferries were purchased or taken, and the Amount thereof may then be paid to the Commissioners out of the said Sum so deposited by them as aforesaid.

The Court of Session may order reasonable Expences in Scotland to be paid by the Commissioners.

XLVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands or Ferries situated in *Scotland*, to be taken or used, or in respect of which any Satisfaction or Compensation shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money payable for such Compensation, shall be required to be paid into any One of the following chartered Banks in *Scotland*, *videlicet*, the Bank of *Scotland*, Royal Bank of *Scotland*, Bank of the *British* Linen Company of *Scotland*, Commercial Bank of *Scotland*, or National Bank of *Scotland*, it shall be lawful for the Court of Session to order the Costs, Charges, and Expences attending the Purchase or the taking or using of such Lands or Ferries, or which may be incurred in consequence thereof, and also the Costs, Charges,

and

and Expences of the Reinvestment of the Purchase or Compensation Money in other Lands, and likewise the Costs, Charges, and Expences (occasioned only by the Exercise of the Powers conferred by this Act, and not by Litigation between Claimants or otherwise) of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money, and for the Payment of the Interest thereof, or so much of such Costs, Charges, and Expences as the said Court shall think reasonable, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Power to enter Lands on Payment of Purchase Money.

XLVIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, to the respective Proprietors of such Lands or Ferries, or other Persons respectively interested therein and entitled to receive such Money, within Ten Days after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England* or *Scotland* respectively, or shall refuse to receive such Money as aforesaid, or shall neglect, refuse, or be unable to make a good Title to such Lands or Ferries, or if any Party entitled unto or to convey such Land or Ferries shall not be known, or shall be absent from *England* or *Scotland* respectively, or shall refuse, neglect, or be unable to convey the same, then, upon Payment of such Money into the Bank of *England*, if such Land or Ferries shall be situated in *England*, or into the Royal Bank of *Scotland*, or Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, if such Land or Ferries shall be situated in *Scotland*, as herein-after directed, or, in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands or Ferries, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the respective Banks in *England* or *Scotland*, as the Case may be, as herein-after directed, then and in every of such Cases, or upon Payment to Two Trustees of any such Money as aforesaid in the Cases herein-after authorized, it shall be lawful for the said Commissioners immediately to enter upon such Lands or Ferries, and thereupon such Lands or Ferries, and all the Estate, Use, Trust, and Interest of all Parties therein, for which the Consideration shall have been so paid, tendered, or deposited as aforesaid, shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act, as fully and effectually as if the same had been duly conveyed to them in manner aforesaid; and such Payment or Tender and Conveyance, or such Deposit in the respective Banks as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever, of and in the said

said Lands or Ferries so purchased as aforesaid: Provided nevertheless, that before such Payment, Tender, or Deposit in the said Banks as aforesaid it shall not be lawful for the said Commissioners, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this Act, save with the Authority in Writing of a Justice of the Peace for the County or Place in which such Lands shall be situated, for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Tenants to give up Possession upon Notice.

XLIX. And be it further enacted, That every Tenant from Year to Year, or at Will, in Possession of any Lands which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, upon having One Calendar Month's Notice from the said Commissioners, or their Clerk for the Time being, to quit the same, at such Time or Times as shall be required by such Notice, they the said Commissioners making such Satisfaction and Compensation to every such Tenant, in case he shall be required to quit before the Expiration of his Term or Interest in the Premises, as the said Commissioners and such Tenant shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands is herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Tenant in Possession shall, at such Time or Times as he shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners; and if any such Tenant so in Possession as aforesaid shall refuse or neglect to deliver up such Possession as aforesaid, then and in every such Case it shall and may be lawful to and for the said Commissioners to issue their Precept to the Sheriff of the said County of *Berwick* or County of *Durham* respectively to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriffs are hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept on the Person so refusing to deliver up Possession as aforesaid, by Distress and Sale of his Goods, Chattels, and Effects.

In case of not making out Titles, &c., the Money to be paid into the Bank of England, or the Banks in Scotland, as the Case may be.

L. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act, or for any Interest, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for Compensation or Satisfaction as aforesaid, shall refuse or neglect to accept the same, or cannot be found, or shall be absent from *England* or *Scotland* respectively, as the Case may be, or shall refuse, neglect, or be unable to make a Title to such Lands or to such Interest

Interest therein to the Satisfaction of the said Commissioners for the Purposes of this Act; or if any Party entitled unto or to convey such Lands or such Interest therein be not known, or shall be absent from *England* or *Scotland* respectively, as the Case may be, or shall refuse to convey the same or such Interest therein, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Commissioners to order the Money so agreed or awarded to be paid for the Purchase of Lands situated in *England* into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them, as far as the said Commissioners can do), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof, by Petition, is hereby empowered in a summary Way of Proceeding or otherwise, as to such 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 Estate, Title, or Interest of the Party making claim thereto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England*, under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received; and in case the Lands to be taken or used shall be situated in *Scotland* it shall and may be lawful to and for the said Commissioners to pay the Sum or Sums of Money so agreed or awarded to be paid for the Purchase of such Lands situated in *Scotland* into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, as the Case may be, to the Credit or for the Use of the Party or Parties interested in the said Lands respectively before enumerated, describing them, if they are known, and if they are not known, then generally to the Credit or for the Use of the Party or Parties interested in the same, without any Description of them, subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person making claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Treasurer, Cashier, or Manager of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, who shall receive such Sum or Sums of Money, is hereby required to give a Receipt or Receipts for the same, 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 any such Bank as aforesaid.

Persons in Possession presumptively entitled.

LI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Lands, or to any Interest in any Lands, or to any Compensation Money in respect to Damage done to any Lands situated in *England*, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands or Ferries so situated, or of any Estate, Right, Title, or Interest in any such Lands to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, Estate, or Interest; and where any Question shall arise touching the Title of any Party to any Lands, or to any Interest in any Lands situated in *Scotland*, or to any Money to be paid into any Bank in *Scotland* as aforesaid, in pursuance of this Act, for the Purchase of any Lands so situated in *Scotland*, or of any Estate, Right, or Interest in any such Lands to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Interest of such Money, the Person who shall have been in Possession of the Lands at the Time of such Purchase, or who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, shall be deemed to have been lawfully entitled to such Lands, or such Interest therein, or to such Money as aforesaid, until the contrary shall be shown to the Satisfaction of the said Court of Session in either Division thereof; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, until it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Lands, or to some Estate or Interest therein, when the said Court shall have Power to dispose of the Principal and Interest, as the Circumstances of the Case may require.

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

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands situated in *England*, to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for any Compensation or Satisfaction under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee,

Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Ladykirk* and *Norham Bridge* and Approaches," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled; and such Monies, if to be paid for the Purchase of any Lands situated in *Scotland*, shall with all convenient Speed be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, without Fee or Reward; to the Intent thatsuch Money shall be applied, under the Direction and with the Approbation of the Court of Session, in either

1 G. 4. c. 35.

Division thereof, 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, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, or affecting other Lands 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, 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 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 Purchases 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 so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when less than 200*l.* and exceeding 20*l.*

LIII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same, if for Lands situated in *England*, shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, signified in Writing under the Hands of any Three or more of them, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved by the said Commissioners), and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof; and the said Commissioners shall not be bound or required to see to the Application thereof; and any such Money so agreed or awarded to be paid for Lands situated in *Scotland* shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of his Guardian, in case of Infancy or Lunacy, to

to be signified under his Hand, be paid unto one of the said Banks in *Scotland*, and shall be ordered to be applied in manner before directed as to Monies arising from Lands taken or used in *Scotland*, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making the Option, and approved by the said Commissioners or any Three or more of them, (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 manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Session touching the Application thereof; and the said Commissioners shall not be bound or required to see to the Application thereof.

When not exceeding 20*l.*

LIV. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

The whole of the Expence to be subscribed for before the compulsory Powers of the Act are put in force.

LV. And whereas the probable Expence of building and erecting the said Bridge, and of executing the other Works hereby authorized, will amount to the Sum of Six thousand two hundred and forty-nine Pounds Thirteen Shillings and Eight-pence; and the Sum of Six thousand Pounds has been already subscribed for by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Six thousand two hundred and forty-nine Pounds Thirteen Shillings and Eight-pence shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Bridge and Approaches shall be put in force.

If Land not contracted for within Three Years, Power to take Property on Compulsion to cease.

LVI. And be it further enacted, That unless the said Commissioners shall, within the Space of Three Years, to be computed from the Day of the passing of this Act, agree for, and cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of constructing the said Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void, except in so far as the same shall have been previously exercised.

LVII. And

To compel Payment of Subscriptions, &c.

LVII. And be it further enacted, That the several Parties who have subscribed or shall or may hereafter subscribe for or towards the said Bridge and Approaches or other Works by this Act authorized shall and they are hereby required to pay the respective Sums of Money, or Proportions thereof, and at such Times and Places, as shall from Time to Time be called for and directed by the said Commissioners under and by virtue of the Powers of this Act; and in case any Party shall refuse or neglect to pay the Money by him so subscribed or agreed or engaged for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Commissioners to sue for and recover the same, or the Value or Amount thereof, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money, Value, or Amount at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall have been directed to be paid, provided, or done by the said Commissioners.

Recovery of Penalties, &c.

LVIII. And be it enacted, That all Penalties and Forfeitures by this Act imposed the Recovery whereof is not otherwise herein provided for may be recovered by summary Complaint at the Instance of any of the said Commissioners, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the County or Place in which the Penalties or Forfeitures shall have been incurred; and the Fact or Facts being verified or proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justices are hereby authorized to administer), or by other satisfactory Evidence, the said Justice or Justices is and are hereby authorized and required to grant a Warrant for distraining the readiest moveable Goods, Chattels, or Effects of the Defaulter or Offender; and the Persons distraining the same are hereby authorized and empowered to sell the Goods, Chattels, and Effects so distrained, and to return the overplus Money (if any there be), upon Demand, to the Owner of such Goods, Chattels, and Effects, after such Penalties and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods, Chattels, or Effects, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Commissioners, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the County or Place within which he, she, or they may reside, there to remain for any Time not exceeding Three Calendar Months, unless the said Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Damages and Charges in case of Dispute how

LIX. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided

provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by any One Justice of the Peace for the County or Place wherein such Damages or Charges shall be incurred; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods, Chattels, and Effects in manner herein-before directed for the levying of any Forfeitures or Penalties.

to be settled and recovered.

LX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Informations before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties

LXI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act (save and except any Order, Determination, Proceeding, Matter, or Thing herein-before directed to be final, and for which no particular Relief hath been herein-before provided), such Person may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County or District wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Commissioners, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or District, with sufficient Sureties, conditioned to try such Appeal at and abide by the Order of and pay such Costs as shall be awarded against him, her, or them by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of

Persons aggrieved may appeal to the Quarter Sessions.

the Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Expences of the Act.

LXII. And be it enacted, That the Expences of procuring and passing this Act shall be paid out of the first Monies collected, levied, or borrowed by virtue of this Act.

Public Act.

LXIII. 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.

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