ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 4.

## An Act for erecting a Juſticiary and County Hall and other Offices for the County of *Roxburgh*.

[12th *March* 1810.]

WHEREAS the Hall or Court Room in the Royal Burgh of *Jedburgh*, which is commonly uſed by the Lords Commiſſioners of the Court of Juſticiary upon the Circuit; by the Freeholders, Juſtices of the Peace, Commiſſioners of Supply, and Heritors of the County of *Roxburgh* at their general and other Meetings; and alſo by the Sheriff Depute of the ſaid County, and his Subſtitutes, for the Purpoſe of adminiſtering Juſtice, and diſcharging the other Duties of their Offices; has become ruinous, is too ſmall, and altogether incommodious and unſuitable for the ſeveral Purpoſes above-mentioned; and it is expedient and neceſſary to provide a proper Juſticiary and County Hall for the Purpoſes aforeſaid: And whereas no Public Office or Place is at preſent provided for the Depoſit and ſafe Cuſtody of the Public Records of the County of *Roxburgh*, (excepting ſuch as may happen to be ſo employed by the Perſons for the Time being, holding and exerciſing the ſeveral Offices of Sheriff Clerk, Clerk of the Peace, Clerk of Supply, Clerk of the Freeholders, Burgh Clerk, or Keeper of the Records of the ſaid Royal Burgh of *Jedburgh*, or other Publick Offices within the ſaid County, which Places ſo employed are private Property, and not ſecure againſt Fire or Damps), and it is very important to the Rights and Intereſts of all the Proprietors of Lands in the ſaid County and other Perſons connected therewith, that Offices or Places for the Depoſit and ſafe Cuſtody of the ſaid Records ſhould be provided and kept within the ſaid Royal Burgh of *Jedburgh*, as being the Head Burgh of the ſaid County: And whereas no Proviſions are contained in any exiſting Law or Act of Parliament for determining by what Perſons, or out of what

Deſcription of Property or Funds, or in what Manner, the Expence of building, providing and maintaining ſuch Juſticiary and County Hall, is or ought to be paid; nor is there at preſent any Fund for building and providing, and maintaining Public Offices or Places for the Depoſit and ſafe Cuſtody of the Public Records of the ſaid County; all which Buildings will be of great Benefit, as well to the County of *Roxburgh* at large, as to the Royal Burgh of *Jedburgh*: May it therefore pleaſe your Majeſty, that it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of the Peace and Commiſſioners of Supply of the County of *Roxburgh*, being in the actual Poſſeſſion of the Property, or *dominium utile* of Lands valued in the Ceſs-Books of the ſaid County at One hundred Pounds *Scots* of valued Rent, the Sheriff Depute and the Sheriff Subſtitutes of the County of *Roxburgh*, and the Chief Magiſtrate of the Royal Burgh of *Jedburgh*, all for the Time being, ſhall be and they are hereby nominated and appointed Commiſſioners, or building, altering, enlarging, improving, furniſhing, repairing, and keeping in Repair the Hall, Offices and Places before-mentioned, for making Avenues to the ſame, and for executing all the other Powers by this Act committed to the ſaid Commiſſioners.

Commiſſioners.

Meetings.

II. And be it enacted, That the ſaid Commiſſioners ſhall hold their firſt ſtated Meeting at *Jedburgh* on the Fourth *Tueſday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be; of which firſt Meeting the Clerk to the Commiſſioners of Supply of the ſaid County is hereby directed and required to give Notice by Advertiſement in any one Newſpaper uſually circulated through the ſaid County, at leaſt Ten Days before the Day of ſuch Meeting, and their next ſtated Meeting at *Jedburgh*, on the Day of the *Michaelmas* Meeting of Freeholders of the ſaid County in the preſent Year One thouſand eight hundred and ten; and that the ſaid Commiſſioners ſhall thereafter hold two ſtated Meetings at *Jedburgh* in every Year, One on the Day on which the Commiſſioners of Supply of the ſaid County of *Roxburgh* ſhall meet for the Purpoſe of aſſeſſing the Land Tax in the ſaid County, and the other on the Day of the *Michaelmas* Meeting of Freeholders of the ſaid County; and the Clerk to the Commiſſioners of Supply ſhall have Power, and he is hereby ordered and required, when directed, (by Writing under the Hands of any Three or more Commiſſioners) to call at any Time an extraordinary Meeting of Commiſſioners to be held at *Jedburgh*, giving the like previous Notice of the Time, as herein-before directed, with regard to the firſt ſtated Meeting, and alſo Notice of the Purpoſe of the Meeting; and at ſuch Meeting no Buſineſs ſhall be entered into or decided upon, other than what ſhall be ſpecified in the Notice given as aforeſaid; and it ſhall not be in the Power of any Ordinary or Extraordinary Meeting to reſcind, alter, or vary the Determination of any former Ordinary or Extraordinary Meeting, unleſs previous Notice of the Intention of ſo doing, and the Time of the Meeting be given by Advertiſement in the Newſpaper as aforeſaid.

Quorum.

III. And be it enacted, That at all Ordinary and Extraordinary Meetings of the ſaid Commiſſioners, any Fifteen of them ſhall be a *Quorum*,

*Quorum*, and at such Meetings the Commissioners shall have Power to adjourn to any future Day; and if a *Quorum* of Commissioners shall not be present, any One or more of the Commissioners present shall have Power to adjourn, but not to do any other Business.

Penalty on acting if not qualified.

IV. And be it enacted, That if any Person (other than those hereinbefore named Commissioners by virtue of their Offices) not qualified as aforesaid, shall notwithstanding presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Pounds Sterling, besides the Expence of Prosecution, to be levied by summary Complaint of any One of the said Commissioners before the Justices of the Peace for the County of *Roxburgh*, at their Quarter Sessions, or before the Sheriff Depute of the said County, or his Substitutes, to be paid to the said Commissioners, or their Treasurer, and applied to the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

May elect a Preses, Clerk, and Treasurer.

V. And be it enacted, That the said Commissioners at their first or any subsequent Meeting shall, by a Plurality of Voices, elect a Preses, and appoint a Clerk and Treasurer, to hold and exercise their Offices at the Will and Pleasure of the said Commissioners, either separately or jointly, with reasonable Salaries or other Allowances for their Trouble, and such Clerk and Treasurer shall find Security for the due Execution of their Offices, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners.

Power to appoint a Committee.

VI. And be it enacted, That the said Commissioners may, if they shall think fit, appoint a Committee or Committees of their Number to superintend the Progress of the Buildings to be erected, or to carry into Effect any of the Purposes of this Act, to which Committee or Committees the Commissioners may delegate such of the Powers hereby granted to them as they shall think proper.

Assessment for effecting the Purposes of this Act.

VII. And be it enacted, That it shall and may be lawful to the said Commissioners, at their first or any subsequent Meeting, to assess or cause to be assessed upon all Lands, Teinds, and other Property valued in the Gess-Books of the said County, any Sum not exceeding double the Amount of the annual Land Tax actually payable for such Lands, Teinds, and other Property, and of the Land Tax formerly paid for Lands, Teinds, and other Property, the Land Tax of which has been or may be redeemed; which Assessment shall be levied, recovered and collected in the same Manner and by the same Means as the Land Tax is or may be levied, recovered and collected, either by the Collector of the Land Tax (he thereupon receiving a reasonable Reward for his Trouble) or by such other Person or Persons as the said Commissioners shall appoint for that Purpose; which Collector of the Land Tax or other Person or Persons to be appointed as aforesaid, shall account for and pay over the said Assessment to the said Commissioners or their Treasurer for the Time being, at the same Time, and in the same Manner, and under the same Conditions and Penalties as the Collector of the Land Tax is or shall be obliged to account for and pay over the Land Tax to the Receiver General thereof, or Person appointed to receive the same on Behalf of His Majesty, His Heirs and

Not more than the Amount of Half the annual Land Tax to be levied in one Year.

and Succeſſors: Provided always, That it ſhall not be lawful for the ſaid Commiſſioners to levy or cauſe to be levied, in any one Year, a greater Proportion or Inſtalment of the ſaid Aſſeſſment than ſhall amount to one Half of the whole annual Land Tax of the ſaid County, including the Land Tax formerly paid for Lands, Teinds, and other Property, the Land Tax of which has been or may be redeemed, nor any Proportion or Inſtalment leſs than one Fourth of the annual Land Tax of the ſaid County ſo eſtimated as aforeſaid: And the Aſſeſſment ſo to be levied, recovered and collected as aforeſaid, ſhall be applied by the ſaid Commiſſioners in defraying the Expence of procuring Plans and Eſtimates, and erecting the ſaid Hall, Offices and Places, and for completing the ſame with all neceſſary Furniture, together with every other Expence attending the applying for and paſſing of this Act, and carrying the ſame into Execution in all the Purpoſes therewith connected: Provided alſo, That if the Incorporation of the ſaid Royal Burgh of *Jedburgh* ſhall make a free Grant to the ſaid Commiſſioners of the preſent Town Hall, the Area on which it ſtands, and the Materials of which it conſiſts, and ſuch Part of the adjacent Property belonging to the Burgh, as may be deemed neceſſary for completing the Buildings, no Part or Portion of the ſaid Aſſeſſment ſhall be levied on the Lands or Mills belonging to the Incorporation of the ſaid Royal Burgh, nor upon any of the Lands or Mills within the ſaid Royal Burgh of *Jedburgh*, or Bounds thereof, but the ſaid Aſſeſſment and Inſtalments thereof ſhall in that Caſe be eſtimated and levied in the ſame Manner as if the Lands and Mills belonging to the ſaid Incorporation of the Royal Burgh of *Jedburgh*, and the ſaid Royal Burgh and Bounds thereof made no Part of the ſaid County of *Roxburgh*: Provided alſo, That nothing herein contained ſhall be deemed or conſtrued to relieve the ſaid Royal Burgh of *Jedburgh*, or Inhabitants thereof, or any other Perſon or Perſons, of any Obligations they may be under either by Law or otherwiſe, to build and maintain a Gaol or Priſon for the ſaid County of *Roxburgh*, or Royal Burgh of *Jedburgh*, or to provide Parts or Portions of the Furniture, Benches, or other Accommodations neceſſary for or belonging to ſuch Gaol or Priſon, and for a Juſticiary Hall, or the Apartments therewith connected, in the ſaid Royal Burgh of *Jedburgh*.

If Burgh of Jedburgh makes a free Grant of preſent Town Hall, &c. no Aſſeſſment to be made on it.

Commiſſioners may borrow Money.

VIII. And be it enacted, That the ſaid Commiſſioners ſhall have Power, and they are hereby authorized and empowered to borrow and take up at Intereſt, on the Security of the Aſſeſſment hereby authorized to be levied, recovered, and collected as aforeſaid, ſuch Sum or Sums of Money as they ſhall judge requiſite, to be applied in the ſame Manner as hereinbefore directed, with regard to the Application of the ſaid Aſſeſſment: Provided, that the whole Amount of the Money ſo borrowed ſhall not exceed Double the Amount of the annual Land Tax actually paid for all Lands, Teinds, and other Property valued in the Ceſs Books of the ſaid County of *Roxburgh*, and of the Land Tax formerly paid for Lands, Teinds, and other Property in the ſaid County, the Land Tax of which has been or may be redeemed; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, to aſſign or make over the Whole or any Part of the ſaid Aſſeſſment to any Perſon or Perſons from whom the Money aforeſaid, or any Part thereof, ſhall be borrowed as a Security for Re-payment thereof,

of, and for Payment of the Intereſt ariſing thereon, at a Rate not exceeding Five Pounds *per Centum per Annum*; and the Aſſignments in Security for Money to be borrowed as aforeſaid, ſhall be entered in a Book or Books to be kept by the ſaid Commiſſioners, or their Clerk or Treaſurer, for that Purpoſe, which Book or Books may be ſeen and peruſed by any Perſon or Perſons in any Way intereſted therein, without Fee or Reward; and the Aſſignments in Security to be granted by the ſaid Commiſſioners, for the Purpoſes aforeſaid, ſhall be transferable by Indorſement duly ſubſcribed by the Party transferring the ſame, in the Preſence of Two or more ſubſcribing Witneſſes; which Aſſignments ſo to be granted by the ſaid Commiſſioners, ſhall be made and executed by their Clerk or Treaſurer, in their Name, on their Behalf, ſpecially authorized to that Effect by a General Meeting of Commiſſioners: Provided always, that the ſaid Commiſſioners, or their Clerk or Treaſurer, or ſuch Perſon or Perſons as they may appoint to receive the Money ſo to be borrowed as aforeſaid, ſhall not be perſonally liable to repay the ſame, or to pay the Intereſt thereof, by reaſon of their authorizing the Signature of, or ſigning ſuch Aſſignments as before directed.

May contract for Buildings, &c.

IX. And be it enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to contract with and employ Artiſts, Tradeſmen, and other Perſons, for making Plans of and for erecting the ſaid Hall, Offices and Places, whether ſuch Artiſts, Tradeſmen, and other Perſons be Burgeſſes, Freemen, or Members of the incorporated Trades of the ſaid Royal Burgh of *Jedburgh*, or not, and to direct Alterations and Improvements on the ſaid Hall, Offices and Places, at all Times during the Execution of the Work, and to do whatever may be neceſſary, proper, and expedient for carrying the Purpoſes of this Act completely into Effect; and to purchaſe ſuitable Furniture for the ſaid Hall, Offices and Places, when the ſame are completed.

Buildings to be erected, &c. veſted in the Commiſſioners.

X. And be it enacted, That the ſaid Hall, Offices and Places, when finiſhed, with the Furniture thereof, and Avenues leading to the ſame, together with all Materials, for the Purpoſe of being made uſe of for the ſame, which are not the Property of their Agents or Contractors, ſhall be veſted in the ſaid Commiſſioners; and they, or their Clerk or Treaſurer, are hereby authorized and empowered to bring, or cauſe to be brought, any Action or Suit, before any Court competent, as accords, againſt any Perſon or Perſons who ſhall ſteal or take away, or receive, if ſtolen, any ſuch Materials, or diſturb the ſaid Commiſſioners in the Uſe thereof.

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

XI. And be it enacted, That the ſaid Commiſſioners may ſue and be ſued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treaſurer, for the Time being, and that no Action or Suit, wherein the ſaid Commiſſioners ſhall be concerned as Purſuers or Defenders in the Name of their Clerk or Treaſurer, by virtue of this Act, ſhall abate by the Death or Removal of any ſuch Clerk or Treaſurer, but that the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being, ſhall be deemed to be the Purſuer or Defender (as the Caſe may be) in every ſuch Action or Suit; and that the ſaid Commiſſioners ſhall be entitled to acquire all Rights of

Conveyances to the Commiſſioners to be taken in Name of their Treaſurer.

Property and Servitude connected with the ſaid Buildings, Hall, Offices and Places, and the Scite or Area thereof, and Avenues leading to the ſame, and that the Rights and Conveyances thereof to the ſaid Commiſſioners ſhall be taken in favour of their Clerk or Treaſurer for the Time being, and his Succeſſors in Office; which Rights and Conveyances ſo taken, ſhall be ſufficient for veſting the Subjects thereby conveyed in the ſaid Commiſſioners.

May agree for a Rent of Sheriff Clerk, Collector of Ceſs, and Keeper of Seiſins Offices, which ſhall be a Fund for repairing the Buildings.

XII. And be it enacted, That the ſaid Commiſſioners ſhall be, and they are hereby empowered to contract and agree with the Sheriff Clerk, and with the Collector of the Ceſs of the ſaid County, and with the Keeper of the Regiſter of Seiſins for the Diſtrict of the Shires of *Roxburgh*, *Selkirk*, and *Peebles*, all for the Time being, for a Rent or Rents to be paid by them reſpectively, for the Rooms, Apartments, and Offices, which ſhall be uſed by them reſpectively, as the Sheriff Clerk's Office of the ſaid County, as the Office of the Collector of the Ceſs of the ſaid County, and as the Office of the Keeper of the Regiſter of Seiſins for the ſaid Diſtrict; which Rent or Rents ſhall be a Fund for keeping in Repair the ſaid Hall, Offices and Places, and the Furniture thereof, and the Avenues leading to the ſame, in all Time coming; and in caſe any Diſpute or Difference ſhall ariſe between the ſaid Commiſſioners and the ſaid Sheriff Clerk, Collector of the Ceſs, or Keeper of the Regiſter of Seiſins, for the Time being, as to the Amount of the Rent or Rents to be paid by the ſaid Sheriff Clerk, Collector of the Ceſs, or Keeper of the Regiſter of Seiſins, for the Rooms, Apartments, and Offices, ſo to be uſed by them reſpectively, the Rent or Rents to be paid by the ſaid Sheriff Clerk, Collector of the Ceſs, and Keeper of the Regiſter of Seiſins, reſpectively, ſhall be ſettled and fixed by the Sheriff Depute of the County of *Roxburgh*.

Expences of the Act, how to be paid.

XIII. And be it enacted, That the whole Expence of preparing, procuring, and paſſing this Act, and all other Expences attending the ſame, ſhall be paid and defrayed out of the firſt and readieſt of the Monies to be borrowed or collected by virtue of this Act.

Limitation of Actions.

XIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance or by virtue of this Act, after Six Calendar Months next after the Fact committed, or cauſe of Action accrued, for which ſuch Action or Suit ſhall be ſo brought, and the Defender or Defenders, in any ſuch Action or Suit, may deny the Libel, and give this Act and the ſpecial Matter in Evidence.

Publick Act.

XV. And be it enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others without being ſpecially pleaded.

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