ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. xxxi.

An Act for more effectually repairing the Road leading from *Berwick-upon-Tweed,* by *Ayton Bridge* and *Ayton,* to *Dunglas Bridge,* and the Road from *Billie Causeway* and *Preston Bridge* to join the said Road at or near *Houndwood House* and *Bankhouse* respectively, in the County of *Berwick.* [3d *April* 1832.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road* 27 G. 3. c. 89. *leading from the Burgh of* Berwick-upon-Tweed, *by* Ayton Bridge *and the new Bridge over the Pees or Pass of* Cockburnspath, *to* Dunglas Bridge, *and also the Roads leading from* Billie Causeway *and* Preston Bridge *to join the said Road at or near* Cockburnspath Tower, *in the County of* Berwick: And whereas another Act was passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue the Term and alter and enlarge the* 45 G. 3. c. 56. *Powers of an Act made in the Twenty-seventh Year of His said Majesty King* George *the Third, for repairing the Road leading from* Berwick-upon-Tweed, *by* Ayton Bridge, *to* Dunglas Bridge, *and also the Roads from* Billie Causeway *to* Preston Bridge, *to join the said Road at or near* Cockburnspath Tower *in the County of* Berwick: And whereas another Act was passed in the Fifty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue and enlarge the Term and Powers of Two Acts* 51 G. 3. c. 41.

of the Twenty-seventh and Forty-fifth Years of His said Majesty King George *the Third, for repairing the Road leading from* Berwick-upon-Tweed, *by* Ayton Bridge, *to* Dunglas Bridge, *and the Roads from* Billie Causeway *and* Preston Bridge *to join the said Road at or near* Cockburnspath Tower, *in the County of* Berwick: And whereas an Act was passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: And whereas the Trustees appointed by the Three first-recited Acts have proceeded to put the same into execution, and have expended considerable Sums of Money which they have borrowed upon the Credit of the Tolls and Duties leviable thereby, and upon their own personal Credit, for the Purpose of making and maintaining the said Roads; a large Portion of which Sums of Money is still due and owing, and cannot be repaid, nor can the said Roads be effectually maintained and kept in repair, unless the Terms and Powers of the said Acts be extended; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing hereof the said recited Act of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, and also the said recited Act of the Forty-fifth Year of His said Majesty King *George* the Third, and also the said recited Act of the Fifty-first Year of His said Majesty King *George* the Third, shall be and the same are hereby repealed; and instead thereof this Act shall from and after the passing thereof commence, take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of amending, altering, repairing, and keeping in repair the said Roads.

1 & 2 W. 4. c. 43.

Recited Acts 27 G. 3. c. 89. 45 G. 3. c. 56. and 51 G. 3. c. 41. repealed.

Powers of 1 & 2 W. 4. c. 43. applied to this Act.

II. And be it further enacted, That the said recited Act of the First and Second Years of the Reign of His said Majesty King *William* the Fourth, and all and sundry the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall be good, valid, and effectual for carrying this Act into execution as if the same had been repeated and enacted in this Act.

Tolls and Duties liable to Debts still owing.

III. And be it further enacted, That the whole of the Tolls by this Act granted and imposed for the repairing, keeping, and maintaining the said Roads shall for and during the Term of this Act be charged with and made subject to the Payment of all Monies heretofore borrowed or advanced, and now due or owing upon the Credit or on account of the said recited Acts of the Twenty-seventh, Forty-fifth, and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, or secured upon and made payable out of the Tolls thereby granted, or any Part thereof, and all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on

the Credit of this Act, and of the Tolls hereby authorized to be collected.

Qualification of Trustees.

IV. And be it further enacted, That every Person who is or shall be in the actual Possession and Enjoyment of the *Dominium utile* of Lands valued in the Cess Books of the County of *Berwick* at One hundred Pounds *Scots* or upwards, either in his own Right or in Right of his Wife, and the eldest Son of every such Person, as also One of the Guardians or Trustees of Minors, and One of the Curators of fatuous or furious Persons, having Lands of the Valuation aforesaid, and the Sheriff of the said County of *Berwick* for the Time being, and the Mayor, Recorder, and Justices of Peace of the Borough of *Berwick-upon-Tweed*, and the Two Members of Parliament for the said Borough of *Berwick-upon-Tweed*, all for the Time being, shall be and they are hereby appointed the Trustees for making, repairing, widening, or altering and keeping in repair the following Roads, made or authorized to be made by the said recited Acts of the Twenty-seventh, Forty-fifth, and Fifty-first Years of the Reign of His late Majesty King *George* the Third; *videlicet*, the present Line of Road commencing at the Extremity of the Liberties of the Borough of *Berwick-upon-Tweed* at or near *Newfarm*, and from thence leading through the Village of *Ayton* to *Dunglas Bridge*, and also the Roads or Branches of Road leading from *Billie Causeway* by *Houndwood Bridge* to the great Post Road near *Houndwood House*, and from *Preston Bridge*, through the Lands of *Buncle* and *Preston*, by the Bridge over the *Eye*, to the said great Post Road at or near *Bankhouse*; but subject to any Alterations for the Purpose of improving or shortening the said Roads or Branches of Roads which the Trustees may consider most advisable, and which may be found most convenient and advantageous to the Public.

Lamberton old Road to be shut up.

V. And be it enacted, That it shall be lawful for the said Trustees, or any Three or more of them, assembled at any of the annual or other Days of Meeting hereinafter mentioned, to shut up the present Road at or near *Lamberton* Race Ground, subject to Appeal in manner directed by the said recited Act of the First and Second Years of the Reign of His Majesty King *William* the Fourth: Provided always, that they make and give to the Public a Branch of Road leading in as convenient a Direction as may be from the said present Road at or near *Lamberton* Race Ground, to the said great Post Road.

Power to demand Pontage for repairing or rebuilding Bridges.

VI. And whereas Two Bridges were built along the Line of the said Post Road at the Expence of the Trust, one across the River *Eye* at *Ayton*, and another across the *Dean* at *Cockburnspath Tower*, for the rebuilding of which Bridges there is no Provision; be it therefore enacted, That in the event of either of the said Bridges being destroyed or rendered impassable or dangerous by Floods or otherways, the said Trustees may, upon rebuilding or repairing the same, erect or cause to be erected at either End of the Bridge so rebuilt or repaired a Turnpike Gate and Toll House, and they, or any Person or Persons whom they shall appoint for that Purpose, shall be and they are hereby authorized to demand and take the same Rates or Pontage Duties

Duties which they are authorized to demand at the different Tolls erected or to be erected upon the aforesaid Roads under this Act, over and above any Toll Duties which may have been paid at passing these Tolls or any of them, the said Pontage to be payable only until the Expence incurred in rebuilding or repairing said Bridges is paid.

Power to take Tolls.

VII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be, and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), at each of the Gates or Turnpikes already set up or erected, or which may hereafter be set up or erected, in virtue of the said recited Acts or of this Act, upon the said Roads, or at the End of the aforesaid Bridges over the *Eye*, and at *Cockburnspath Tower*, a Sum not exceeding the Tolls, Rates, or Duties hereinafter specified, before any Horse or Carriage, or other Beast or Vehicle, in respect of which the same shall be payable, shall be allowed to pass through any such Gate or Turnpike; that is to say,

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Hearse, Calash, Chair, Taxed Cart, Car, or Caravan, or other such Carriage with Springs, the Sum of Nine-pence:

For every Horse or other Beast of Draught whatsoever drawing any Waggon, Cart, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Saddle Horse, Mare, or Gelding, Ass or Mule, with or without a Rider, the Sum of Three-pence:

For every Horse or Beast of Burden, laden or unladen, and not drawing, One Penny Halfpenny:

For every Score of Oxen or Neat Cattle, the Sum of Two Shillings and Sixpence; and so on in proportion for every greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, Goats, the Sum of Seven-pence Halfpenny; and so on in Proportion for every greater or less Number.

Tolls to be paid but once a Day;

VIII. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid in any One Day, such Day to be computed as aforesaid, for the passing of any Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages, through any of the said Gates or Turnpikes, such Horse or Horses, Cattle, Beast or Beasts, or Carriage or Carriages, shall be permitted to pass and repass through the same Gate or Turnpike Toll-free, at any Time during the same Day (except as herein-after mentioned).

Except for a new Loading.

IX. Provided always, and be it enacted, That in case any such Horse or other Beast drawing any such Waggon, Cart, or other such Carriage, for which Horse or other Beast Toll shall have been paid, shall again pass through such Turnpike Gate or Turnpike Gates with a new Loading in the same Day, then and in such Case the Tolls by this Act granted shall be paid in the same Manner as for the first Time: Provided always, that nothing under Three Hundred Weight

Weight shall be reckoned a new Loading in any such Waggon, Cart, or Carriage; and that in no Case shall Toll be charged for the same Horse or other Beast more than Twice in the same Day.

Application of the Tolls.

X. And be it further enacted, That the several Sum or Sums of Money hereby authorized to be levied and demanded in name of Toll or Duty shall be applied and disposed of in Repayment of the Money borrowed upon the Credit of the Tolls granted by the said Three first-recited Acts, or upon the Credit of the Tolls to be levied upon the said Roads under this Act, and the Interest thereof, and in repairing and keeping in repair the Roads herein mentioned and described, and in Payment of the Expences of procuring and passing this Act, as after mentioned, and no otherwise.

General Meeting of Trustees.

XI. And be it further enacted, That the said Trustees shall hold their First Stated or General Meeting, in virtue of this Act, at *Ayton*, upon the Third *Monday* after the passing of this Act, or as soon thereafter as conveniently may be, and shall at such Meeting proceed to the Execution of this Act, and shall thereafter hold One fixed General Meeting in each Year at *Ayton*, upon the First *Tuesday* of *October*, and at all Meetings of the said Trustees Three shall be a Quorum; and in the Event of a smaller Number of Trustees than the said Quorum attending, or in the Event of none of the said Trustees attending at the First or at any subsequent Meeting, it shall be in the Power of such smaller Number of Trustees so assembled, or, in the Event of none of the said Trustees attending, it shall be in the Power of the Treasurer or Clerk to the said Trustees, to adjourn such Meetings 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 Trustees or Trustee, or Treasurer or Clerk, who shall so adjourn the Meeting as aforesaid, shall cause Notice of such Adjournment to be advertised at least once in some Newspaper published in the said County, or in the adjoining County, or in some Newspaper published in the City of *Edinburgh*, at least Ten Days before the Day fixed for such Meeting: Provided always, that Notice to be advertised as aforesaid shall be given of all Special Meetings of the said Trustees, which Notice shall state the Time and Place, and also the Purpose or Purposes of such Meeting, and at such Meeting, or Adjournment thereof, no Business shall be decided upon other than what is specified in the Notice given as aforesaid, or, in case of Adjournment, in the Notice of such Adjournment to be given as aforesaid.

Power to continue and erect Turnpikes.

XII. And be it further enacted, That the said Trustees be and they are hereby authorized and empowered to continue the Toll House and Toll Bar erected on the said Road at the End of *Ayton Bridge*, and all or any of the Gates or Turnpikes already erected upon the said Road, contained in the said recited Acts, and hereby put under their Charge, or to remove the same to any other Part of the said Roads, as they shall think proper, and to erect or cause to be erected other Gates or Turnpikes in, upon, or across any Part or Parts of any of the said Roads described in this Act, or on the Sides thereof, across

across any Way leading into or out of the same, in such Places as they shall think fit, and also to erect Toll Houses at all or any of such Gates, with such Buildings and Gardens adjacent thereto as shall appear to them to be expedient; and the said Trustees are hereby empowered to purchase or take on lease such Pieces of Ground as they shall judge most convenient, not exceeding One Quarter of an Acre for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses, Buildings, and Gardens connected therewith.

Toll Houses and Property vested in the Trustees.

XIII. And be it further enacted, That the Tolls and Duties hereby granted and made payable, and authorized to be levied, and any Sums of Money which shall be borrowed on the Security thereof, together with the Right of Property of every Toll Bar, Weighing Machine, and Toll House already erected or to be erected on or adjoining to any of the said several Roads, and of every Garden and other Property belonging to the Trustees on any of the said Roads, under the said recited Acts of the Twenty-seventh, Forty-fifth, and Fifty-first Years of the Reign of His said late Majesty King *George* the Third, or which shall be acquired by virtue of this Act, are and shall be vested in the Trustees acting in virtue of this Act; and the said Tolls and Duties, and any Sums of Money which shall be or shall have been borrowed, subscribed, or advanced on the Security thereof, shall be paid over and applied to and for the several Uses and Purposes of this Act.

Trustees, being Justices, may grant Certificates to Toll Bar Keepers.

XIV. And be it further enacted, That the said Trustees, or any Two of them, being Justices of the Peace, shall, in all Cases where they find it necessary, have Power and they are hereby authorized to grant Certificates to the Tenants of any of the Toll Bars on the said Roads, to enable them to procure Licences to sell Beer and Spirituous Liquors.

Expence of Act.

XV. And be it further enacted, That the Expence of preparing, applying for, procuring, and passing this Act shall be paid out of the first and readiest of the Tolls and Duties received and levied, or by or out of the first Monies that shall be in or come to the Hands of said Trustees under and by virtue of the said first-recited Acts hereby repealed, or of this Act.

Public Act.

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

Continuation of the Act.

XVII. And be it further enacted, That this Act shall be continued from and after the Commencement thereof, during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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