ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lvi.

An Act for more effectually repairing, amending, and maintaining certain Roads and Bridges in the County of *Berwick*. [23d *May* 1832.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing certain Roads* 51 G.3. c.40.
in the County of Berwick, *and for building a Bridge over the River* Whitadder *in the said County:* And whereas the Trustees appointed by the said recited Act have proceeded to put the same into execution, and have borrowed and expended considerable Sums of Money in making and maintaining the said Roads, and carrying into effect the other Purposes mentioned in the said recited Act; but the said Roads cannot be effectually maintained and kept in repair, nor the Money owing thereon be repaid, unless the Term and Powers of the said recited Act be extended: And whereas the making, repairing, maintaining, and rendering Turnpike certain Roads hereinafter described, not contained in the said recited Act, with the necessary Bridges thereon, will be beneficial to the District through which such Roads lead, and to the Public at large: And whereas an Act was passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the* 1 & 2 W. 4.
Laws concerning Turnpike Roads in Scotland: May it therefore please c. 43.
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 Recited Act
said recited Act of the Fifty-first Year of the Reign of His said late 51 G.3.c.40.
Majesty repealed.

Majesty King *George* the Third be and the same is hereby repealed, and instead thereof this Act shall be put in execution for and during the Term hereinafter mentioned.

Powers of recited Act 1 & 2 W. 4. c. 43. applied to this Act, except as hereby altered.

II. And be it further enacted, That the said recited Act of the First and Second Year of the Reign of His present Majesty, and all and sundry the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, so far as not hereby varied or altered, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

Officers under the former Act to account.

III. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue or in pursuance of the said first-recited Act hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees in like Manner and under the like Penalties as are by the said recited Act of the First and Second Year of the Reign of His present Majesty and this Act, or either of them, imposed in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Act or this Act.

Tolls and Duties liable to Debts still owing.

IV. And be it further enacted, That the whole of the Tolls and Duties by this Act granted and imposed 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 Act of the Fifty-first Year of the Reign of His said late Majesty King *George* the Third, or secured upon and made payable out of the Tolls and Duties thereby granted, or any Part thereof, and of 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, or of the Tolls hereby authorized to be collected.

Trustees.

V. 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 the Right of his Wife, and the eldest Son of every such Person, as also One of the Guardians or Trustees of every Minor, and One of the Curators of every fatuous or furious Person having Lands of the Valuation aforesaid, and the Sheriff of the said County of *Berwick* for the Time being, shall be and they are hereby appointed the Trustees for making, maintaining, repairing, widening or altering and keeping in repair the following Roads, made or authorized to be made by the said recited Act of the Fifty-first Year of the Reign of His Majesty King *George* the Third; *videlicet*, the Road from *Greenlaw*, by *Polwarth*, *Langton Bridge*, *Dunse*, *Crumstain*, *New Edrom*, *Chirnside*, *Idington Muir*, *Peelwalls*, *Ayton* Toll Bar, *Hillburn*, and *Netherbyres*, to *Eyemouth*, with the Side Branch through the

the Lands of *Redhall* and *Fairneyside* to its Junction with the *Ayton* Turnpike Road near *Burnmouth*; the Road from *Ayton* by *Ayton* Paper Mill to *Eyemouth*; the Road from its Junction near the West End of *Chirnside* with the foresaid *Eyemouth* Road, by the Church of *Chirnside*, *Idington*, *Foulden*, and *Mordington* Church, to the Confines of the said County of *Berwick* at or near the *Starch House*; the Road from *Fasney Bridge*, on the Confines of the County of *Haddington*, by *Longformacus*, till it joins the Turnpike Road from *Greenlaw* to *Dunse*; the Road from its Junction at *Crumstain* with the foresaid *Eyemouth* Road, by *Webberburnmouth Bridge*, *Blackadder* old Toll House, *Blackadder Bank*, *Crossrig*, *Sunwick*, and *Hutton Mains*, to *Paxton* Toll Bar, at or near the Confines of the said County; the Road from its Junction at *Sunwick* with the foresaid Road leading to *Paxton* Toll Bar, by *Fishwick* and *Tweedhill*, to the *Union Bridge* across the River *Tweed*; the Road from *Dunse*, by *Cheeklaw*, *Nisbet Mill*, *Bitrickside*, *Swinton*, *New Horndean*, and *West Fishwick*, to its Junction with the foresaid Road leading to the *Union Bridge*; the Road from *Leet Bridge*, through *Skaith Muir* and *Todhillrig*, *Milnegraden*, *Ladykirk*, and *Horndean*, to *Fishwick* and *Compton's Lanes*, with a Branch from *Todhillrig* by *Lennelhill* to *Gourlie's Ford* in the River *Tweed*; the Road from *Backsykes* by *Fogorig*, *Bogend*, *Mount Pleasant*, and *Sinclair's Hill*, to its Junction with the Road leading to *Paxton* Toll Bar at *Blackadder Bank* old Toll House; the Road from *Swinton* Church, by *Swinton Hill* and *Ramage Hall*, to the Ford across the River *Tweed* at *Upsetlington*; the Road from its Junction with the aforesaid Road leading to *Paxton* Toll Bar at *Crossrig*, by *Broomdykes* and *Canny Bank Lanes*, to the Water of *Whitadder* at the *Blue Stone Ford*, and also for making, repairing, widening, or altering and keeping in repair the following Roads not comprehended in the said recited Act of the Fifty-first Year of the Reign of His said Majesty King *George* the Third; *videlicet*, the Road from the *Union Bridge* Road at or near *Fishwick*, by *Nabton*, to its Junction with the *Paxton* Road at or near *Paxton* Farm, and the Road from its Junction with the foresaid Road leading to *Eyemouth* at *Chirnside* Toll Bar to the *Blue Stone Ford* aforesaid; with the necessary Bridges on all the said Roads; and with the Liberty and Privilege of erecting a Side Bar on the North Side of the *Eyemouth* Road at *Chirnside* Toll House, across the Road leading Northward by *Billy Causeway*, and a like Side Bar across the Road on the East Side of the *Starch House* Toll Bar leading Northward by *Clappers* and *Mordington House*, and generally for executing all the Powers, Provisions, and Authorities of this Act.

Annual Meetings of Trustees.

VI. And be it further enacted, That the said Trustees shall hold their First stated or General Meeting in virtue of this Act at *Greenlaw* upon the Fourth *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 Two fixed General Meetings in each Year at *Dunse*, the one upon the First *Wednesday* of *April*, and the other upon the First *Wednesday* of *November*; and such First Meeting, and all subsequent Meetings of the Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall be held

held at such Time and Place within the said County of *Berwick* as the Trustees present shall think proper.

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, at each of the Gates or Turnpikes which have been already erected or which may be afterwards erected upon the said Roads, the Tolls and Duties following, or such other Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified; that is to say,

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Hearse, Calash, Chair, or other such Carriage, One Shilling:

For every Horse or other Beast of Draught whatsoever drawing any Waggon, Cart, or other such Carriage, Sixpence:

For every Saddle Horse, Ass, or Mule, with or without a Rider, Three-pence:

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

For every Score of Oxen or Neat Cattle, One Shilling and Eight-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Swine, Sheep, Lambs, or Goats, Five-pence; and so in proportion for any greater or less Number.

Tolls to be taken for new Loading.

VIII. Provided always, and be it enacted, That in case any such Horse, Cattle, or other Beast, or any such Waggon, Cart, or Carriage which such Horse, Cattle, or other Beast was drawing, shall pass through such Turnpike Gate or Turnpike Gates with a new Loading or Rider a Second Time in the same Day, then and in every such Case the Tolls by this Act granted shall be paid for the second Time they shall so pass in the same Manner with a new Loading or Rider as for the first Time, but not oftener: Provided always, that nothing under Three Hundred Weight shall be reckoned a new Loading in any such Carriage.

Half Toll on Dung.

IX. Provided always, and be it enacted, That not more than One Half of the Tolls and Duties levied under the Authority of this Act shall be paid for Horses or Carriages employed in carrying Dung at any Turnpike Gate or Toll Bar at present erected or to be erected under Authority of this Act.

Application of the Tolls.

X. And be it enacted, That the several Sum or Sums of Money hereby authorized to be demanded, levied, and taken in name of Toll or Duty upon the said Roads shall, after Payment of the Expences of preparing, applying for, procuring, and passing this Act, as hereinafter provided, be applied and disposed of in Repayment of the Money borrowed upon the Credit of the Tolls granted by the said first-recited Act, 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 defraying the general Expences of the Trust, and to no other Purpose.

XI. And

Bridge over the Whitadder.

XI. And be it further enacted, That in case the said Trustees shall build or cause to be built a Bridge over the River *Whitadder* at the *Blue Stone Ford*, from the Parish of *Chirnside* to the Parish of *Hutton*, it shall and may be lawful for the said Trustees to shut up all the Fords within One Mile above and One Mile below such Bridge, and to do all Matters and Things necessary and convenient for erecting, maintaining, and supporting the same, and particularly to erect or cause to be erected at either End of such Bridge a Turnpike Gate and Toll House; and the said Trustees, or any Person or Persons whom they shall appoint for that Purpose, shall be and they are hereby authorized and empowered to demand and take or cause to be demanded and taken thereat the same Tolls and Duties as they are authorized to demand and take at the different Toll Gates erected or to be erected upon the foresaid Roads under the Authority of this Act, over and above any Toll Duties which may have been paid at passing any such Toll Gate, whether the same be within the Distance of Six Miles or not.

Owners, &c. may use Fords and Ferries on their own Lands.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prohibit the Owners and Occupiers of Lands on the Sides of the said River within the Limits before mentioned, or their Families and Servants residing on such Lands, from making use of any Boats or Vessels, or of any Fords, within such Limits, for the Purpose of crossing the said River, as they were entitled to do previous to the passing of this Act.

For rebuilding or repairing certain Bridges in Cases of Accidents to the same.

XIII. And whereas Two Bridges were built and have been maintained along the Lines of the foresaid Roads across the River *Blackadder* by the Trustees acting under the Authority of the said first-recited Act, and at the Expence of the Trust thereby created, and One Bridge across the River *Whitadder* by Subscription, which has been also maintained by the said Trustees: And whereas no Provision has been made for the rebuilding of any of the said Bridges in case of their Failure; be it therefore enacted, That in the event of any of the said Bridges being destroyed or rendered impassable or unsafe 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 and empowered to demand and take the same Rates and Duties as they are authorized to demand and take at the different Toll Gates erected or to be erected upon the foresaid Roads under the Authority of this Act, over and above any Toll Duties which may have been paid at passing such Toll Gates or any of them, whether the same be within the Distance of Six Miles or not, so that no Toll paid at any Gate on any of the said Roads shall exempt from the Payment of Toll at any of such Bridges, neither shall Payment at any of such Bridges exempt from the Payment of Toll at any Gate on the said Roads; and such Tolls levied at such Bridges respectively shall continue to be payable until the whole of the Expences and Charges relative to the Erection, Repair, and Maintenance of such Bridges respectively shall be fully paid and discharged.

Application of Bridge Tolls.

XIV. And be it further enacted, That the several Sums of Money hereby authorized to be demanded, levied, and taken in name of Toll or Duty at the several Bridges hereinbefore mentioned shall be applied and disposed of, in the first place, in Repayment of the Monies borrowed or advanced for the Purposes of building, repairing, and maintaining the said Bridges respectively, and the Interest thereof, and in rebuilding, repairing, and maintaining such Bridges respectively, and the Remainder (if any be) towards defraying the general Expences of the Trust.

Expence of this 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 on the said Roads, or by or out of the first Monies that shall be in or come to the Hands of the said Trustees under and by virtue of the said first recited Act 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.

Commencement and Continuance of Act.

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

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