



ANNO DECIMO

GEORGII IV. REGIS.

Cap. lix.

An Act for more effectually repairing and otherwise improving certain Roads and Bridges in the Liberties of the Borough of *Berwick-upon-Tweed* and Counties of *Durham* and *Berwick*, and improving the Entrance to the Town of *Berwick*.
[14th May 1829.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually making, amending, and maintaining certain Roads and Bridges in the Counties of Durham and Berwick and Liberties of Berwick-upon-Tweed, for repairing and maintaining certain other Roads therein mentioned, and for improving the Entrance to the Town of Berwick-upon-Tweed*, Provision is made for making, improving, and maintaining the Roads herein-after specified, lying in the County of *Durham*; (that is to say,) the Road from *Berwick-upon-Tweed* to *Buckton Burn* in the County of *Durham*, being the great Post Road from *Berwick* to *Newcastle* and *London*; the Road branching from the last-mentioned Road near *Scremerston*, and leading through *Ancroft* to the *Licker Burn*, being the High Road towards *Wooler* in the County of *Northumberland*, and commonly called the *Wooler Turnpike Road*; the Road from the High Toll Gate at *Tweedmouth* in the County of *Durham*, through *Duddo*, to the Brook called *Horn Burn*, being the High Road from *Berwick* towards *Etal* and *Ford Bridge* in the County of *Northumberland*,
[Local.] 17 E Northumberland, 59 G. 3. c. 58.

Northumberland, and commonly called the *Etal Turnpike Road*; the Road branching from the last-mentioned Road, and leading through the lower Part of the Village of *East Ord*, through *Twizel* and *Cornhill*, to *Deddo Burn*, being the High Road from *Berwick* towards *Coldstream*, *Kelso*, *Jedburgh*, and *Hawick*, and commonly called the *Cornhill Turnpike Road*; as also the Roads herein-after specified, lying within the Liberties of the Borough of *Berwick-upon-Tweed*; (that is to say,) the Road leading from *Berwick* aforesaid to *Lammerton* in the Shire of *Berwick*, being the great Post Road from *Berwick* to *Edinburgh*; the Road branching from the last-mentioned Road at the Bottom of the *Calf Hill*, and leading by the South Side of the *Hallidown Hill* to the Bound Road at *Mordington Toll Bar*, being the High Road from *Berwick* to *Dunse* in the Shire of *Berwick*; the Road branching from the last-mentioned Road at a Place called the *Alder Bush*, and leading across the River *Whitadder* to the Bound Road at *Paxton Toll Bar*; as also the Roads herein-after specified, lying in the said County of *Durham*; (that is to say,) the Road leading from the *Cornhill Turnpike Road* by *Grindon* to the *Etal Turnpike Road* at or near *Felkington*; the Road from the River *Tweed* to the *Cornhill Turnpike Road* at or near *Longridge*, and to the *Etal Turnpike Road* at or near *Murton*, and from thence, by *Murton* and *Unthank Moor*, to the *Wooler Turnpike Road* at or near the *Oxford Limekilns*; the Road from the River *Tweed* at or near *Norham*, by *Shoreswood*, to the *Etal Turnpike Road* at the *Folly*; and the Road from the River *Tweed* to the *Cornhill Turnpike Road* near *Velvet Hall Bridge*, and by *Thornton* to the *Etal Turnpike Road* at or near the *Folly*; for repairing and upholding the said Bridge over the River *Tweed*, and for repairing the Bridges and necessary Works on the same; and for building or making a Bridge across the River *Tweed* in the most convenient Situation that could be found for the same at the Town of *Norham*, or within One Mile on either Side of the Market Cross thereof; and also another Bridge across the said River *Tweed*, in the most convenient Situation that could be found for the same at the Ford or Place called *New Water Ford*, or within One Mile on either Side thereof; and to make Roads of Communication between the said Bridges and the public Roads therein mentioned; and also for improving the Entrance into the Town of *Berwick* from the South, and for putting in execution all the other Powers and Authorities by the said Act given and granted: And whereas under the Authority of the said Act the said Roads, and the Bridges thereon, have been made and repaired, and one of the said Bridges hath been built or erected over the River *Tweed* near to *New Water Ford* aforesaid, and the said Entrance into the said Town of *Berwick-upon-Tweed* from the South hath been in part improved, and considerable Sums of Money have been borrowed on the Credit of the said Tolls thereby authorized to be levied, which Sums of Money are still due and owing: And whereas the Road between *Berwick-upon-Tweed* and *Buckton Burn*, being Part of the great Post Road between *London* and *Edinburgh*, is in several Places steep, circuitous, and inconvenient, and it would be much for the Accommodation of the Public if a new Line of Road were made from the Bottom of *Mount Hooly* in the County of *Durham* to *Buckton Burn* aforesaid, in lieu of Part of the present Road, and if the Ascent

of the Road over *Sunnyside Hill* on the South Side of *Berwick* were made more easy: And whereas the said Roads, and the Bridges thereon, and the said Bridge over the River *Tweed* near *New Water Ford*, cannot be effectually amended, widened, improved, and kept in repair, nor can the said Entrance into the Town of *Berwick* be effectually improved, nor the said Sums of Money be repaid, nor the Interest thereof be paid, nor can the said new Line of Road or the said Improvement at *Sunnyside* be carried into effect, unless Powers be given to levy increased Tolls and Duties thereon: And whereas it is expedient that the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third should be repealed, and more extensive Powers given for the Purposes aforesaid; but the same, and the Purposes herein-before mentioned, 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 Third *Monday* next after the passing of this Act the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Act repealed.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually amending, widening, repairing, and otherwise improving the several Roads, and the Bridges thereon, respectively herein-after mentioned and described; (that is to say,) the Road from *Berwick-upon-Tweed* to *Buckton Burn* in the County of *Durham*, being the great Post Road from *Berwick* to *Newcastle* and *London*; the Road branching from the last-mentioned Road near *Scremerston*, and leading through *Ancroft* to the *Licker Burn*, being the High Road towards *Wooler* in the County of *Northumberland*, and commonly called the *Wooler Turnpike Road*; the Road from the High Toll Gate at *Tweedmouth* in the County of *Durham*, through *Duddo*, to the Brook called *Horn Burn*, being the High Road from *Berwick* towards *Etal* and *Ford Bridge* in the County of *Northumberland*, and commonly called the *Etal Turnpike Road*; the Road branching from the last-mentioned Road, and leading through the lower Part of the Village of *East Ord*, through *Twizle* and *Cornhill*, to *Deddo Burn*, being the High Road from *Berwick* towards *Coldstream*, *Kelso*, *Jedburgh*, and *Hawick*, and commonly called the *Cornhill Turnpike Road*; as also the Roads herein-after specified, lying within the Liberties of the Borough of *Berwick-upon-Tweed*; (that is to say,) the Road leading from *Berwick* aforesaid to *Lamberton* in the Shire of *Berwick*, being the great Post Road from *Berwick* to *Edinburgh*; the Road branching from the last-mentioned Road at the Bottom of the *Calf Hill*, and leading by the South Side of the *Hallidown Hill* to the Bound Road at *Mordington*, being the High Road from *Berwick* to *Dunse* in the Shire of *Berwick*; the Road branching from the last-mentioned Road at a Place called the *Alder Bush*, and leading across the River *Whitadder* to the Bound Road at *Paxton*

This Act to be put in execution for repairing the Roads herein described.

Paxton Toll Bar; as also the Roads herein-after specified, lying in the said County of *Durham*; (that is to say,) the Road leading from the *Cornhill Turnpike Road* by *Grindon* to the *Etal Turnpike Road* at or near *Felkington*; the Road from the *River Tweed* to the *Cornhill Turnpike Road* at or near *Longridge*, and to the *Etal Turnpike Road* at or near *Murton*, and from thence, by *Murton* and *Unthank Moor*, to the *Wooler Turnpike Road* at or near the *Oxford Limekilns*; the Road from the *River Tweed* at or near *Norham*, by *Shoreswood*, to the *Etal Turnpike Road* at the *Folly*; and the Road from the *River Tweed* to the *Cornhill Turnpike Road* near *Velvet Hall Bridge*, and by *Thornton* to the *Etal Turnpike Road* at or near the *Folly*; for repairing and upholding the said Bridge over the *River Tweed*; for more effectually improving the Entrance into the Town of *Berwick* from the South; for making the said new Line of Road from *Mount Hooly* to *Buckton Burn*; for improving the said Road over *Sunnyside Hill*, and for carrying the other Purposes of this Act into execution.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Durham* and *Berwick* respectively, together with *George Adam Askew*, *Henry Askew*, *Thomas Grey Alder*, *William Rowland Alder*, the Honourable *Henry Grey Bennet*, *Sir Francis Blake* Baronet, *Robert Dudley Blake*, *George Baillie*, *George Baillie the younger*, *Thomas Wentworth Beaumont*, *Joseph Barnes Clerk*, *George Buchan*, *Thomas Boswall*, *Matthew Bell*, *John Bonar*, *William Burrell*, *James Greive Burn*, *Thomas Bates*, *Sir Thomas Clavering* Baronet, *Sir William Purves Hume Campbell* Baronet, *Anthony Compton*, *Ralph Compton*, *William Clark*, *Matthew Culley of Fowberry*, *Matthew Culley of Coupland*, *Christopher Cookson*, *John Cunningham*, *Henry G. C. Clark*, *Henry I. W. Collingwood*, *Shafto Craster*, *Thomas Chartres*, *Henry Dinning*, *Robert de Lisle*, *John Strangeways Donaldson*, *John Strangeways Donaldson*, *John Miller Dickson*, *John Dickson*, *George Dickson of Belchester*, *William Nicholas Darnell Clerk*, *William Dickson*, *Cuthbert Ellison*, *Edward Elliott*, *Thomas John Fordyce*, *James Forster*, *Ralph Forster of Downham*, *Thomas Forster of Lucker*, *John Friar*, *Anthony Gregson*, *James Greive*, *Burnett Greive*, *John Grey of West Ord*, *John Grey of Berlington*, *James Grey*, *George Grey of Middle Ord*, the Honourable *Henry Grey* commonly called *Lord Viscount Howick*, *George Henry Grey*, *George Gilchrist*, *George Annett Grey*, *Sir Carnaby Haggerston* Baronet, *Sir James Hall* Baronet, *Thomas Haggerston*, *Joseph Hume*, *George Hogarth of Marshall Meadows*, *John Hall of Dunglass*, *Abraham Home*, *George Hogarth of Berwick*, *William Hay*, *James Home of Broomhouse*, *Robert Hogarth of Scremerston*, *Robert Johnston*, *George Jeffreys*, *Thomas Kerr of Tone*, *Thomas Knight Clerk*, *George Logan of New Edrom*, *William Stow Lundie*, *David Low*, *George Logan of Burnhouses*, *James Laing*, *Sir John Marjoribanks* Baronet, *Sir Charles Miles Lambert Monk* Baronet, *Joseph Marshall*, *William Molle*, the Honourable *William Mordaunt Maitland*, *Henry Morton*, *Thomas Morton*, *Sir David Milne K. C. B.*, *James Macbraire*, *John Joseph Macbraire*, *John Morrison*, *Robert Nesbit*, *Robert Nicholson of Loanend*, the Honourable *Charles Augustus Bennet* commonly called *Lord Ossulston*, *George Frederick Ord*, *Robert Ogle of Eglington*,
John

John Bertram Orde, Sir John Pringle Baronet, William Pattison, John Pratt of Bell's Hill, John Pratt of Melkington, Sir Matthew White Ridley Baronet, Robert Romer, William Riddell, John Robertson, William Robertson of Ladykirk, Robert Robertson, David Renton, Robert Ramsey, Sir James Stewart Baronet, Sir Thomas Stanley Massey Stanley Baronet, Sir Horace David Cholwell Saint Paul Baronet, John Swinton of Swinton, John Swinton of Edinburgh, Henry Collingwood Selby, Prideaux John Selby, John Sibbet, Francis Sitwell, George Smith of Loanend, Thomas Jordan Steel, Thomas Scott of Beal, Alexander Smith of Norham, Richard Shuttleworth, Philip Nicholas Shuttleworth D. D., Thomas Smith, Adam Smith, William Smith of Greenlaw Walls, Thomas Henry Steel, George Selby, Michael Angelo Taylor, George Tait, James Thompson of Earnslaw, George Taylor of Cheswick, Richard Taylor of Cheswick, Young Trotter, Alexander Thompson of Scremerston, John Allan Wilkie, Robert Wilkie, John Wilson of Cumledge, and John Wilson of Tweed House, and their Successors, being duly qualified, shall be and they are hereby appointed the Trustees for executing the Powers and Provisions of this Act.

IV. And be it further enacted, That no Person shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, and unless he shall, before he shall act as such Trustee, take and subscribe the Oath or Affirmation following before any Two or more of the Trustees appointed or to be appointed by or in pursuance of this Act, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say,) Qualification of Trustees.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I truly and *bonâ fide* am in my own Right [*or in Right of my Wife*] in the actual Possession and Enjoyment of [*or in the Receipt of Rents and Profits issuing out of*] Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or am Heir Apparent of C. D., who to the best of my Knowledge is seised of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes*]. Oath of Qualification.

‘ So help me GOD.’

V. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to require any Justice of the Peace acting for any County in *England* to take or subscribe the said Oath before he shall act as a Trustee in the Execution of this Act. Proviso as to Justices for an English County.

VI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of Power to appoint additional Trustees.

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their General Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing the same as if they had been herein named and appointed.

Meetings of
Trustees.

VII. And be it further enacted, That the said Trustees shall meet together at the *Hen and Chickens Inn* in *Berwick-upon-Tweed* 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 Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall meet at such Time and Place within the said County of *Durham*, or the said Town of *Berwick-upon-Tweed* or the Liberties thereof, as the Trustees present shall think proper; and in the Event of a smaller Number of Trustees than Three, or of only One Trustee, attending at the First Meeting to be held at the *Hen and Chickens Inn* in *Berwick-upon-Tweed* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled, or such One Trustee, 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 Trustees or Trustee 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 in Writing of such Adjournment to be affixed to the Toll Gates erected or to be erected within Two Miles from the Town of *Berwick*, or in such other Manner as the said Trustees by an Order at any Meeting shall from Time to Time direct; or in case the said Trustees at any Time assembled shall omit or neglect to adjourn themselves, or in the Event of no Trustee attending at the Time and Place appointed for any Meeting of Trustees, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees, shall call another Meeting of Trustees 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 for such Meeting, and appointing the said Trustees 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 said County or the said Town or Liberties.

Power to
appoint
Committees.

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

Trustees may appoint a Clerk, Treasurer, and Surveyor, or Clerks, Treasurers, and Surveyors, for such particular Parts and Branches of the said Roads, or for the said Bridges, or either of them, with proper Salaries, or authorize their Committees to make such Appointments; and the said Committees and Surveyors may direct the repairing and keeping in repair such Part or Parts, Branch or Branches of the said Roads, or the said Bridges, or either of them, as shall be intrusted to their Care; but such Committees, and their Treasurers, Clerks, Surveyors, and other Officers, shall always be accountable for the Money which they shall draw or receive, according to the Instructions, Rules, and Regulations so to be made by the said Trustees at their General Meetings.

IX. And be it further enacted, That at each of the Toll Gates erected or to be erected in the County of *Durham*, within Two Miles from the Town of *Berwick*, there shall be demanded and taken,

Tolls at Gates in the County of Durham, within Two Miles from Berwick.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Nine-pence:

For every Horse, Mule, Ox, or other Beast whatsoever, other than an Ass, drawing any Waggon, Wain, Cart, or other such Carriage with Two Wheels, Five-pence:

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

For every Horse, Mule, or Beast of Burden other than an Ass, laden or unladen, and not drawing, Three-pence Halfpenny:

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

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

For every Score of Hogs, Sheep, Lambs, Goats, or Kids, Five-pence *per* Score, and so in proportion for any greater or less Number.

X. And be it further enacted, That at each of the Toll Gates erected or to be erected on any of the said Roads situated in the County of *Durham*, except those within Two Miles from the Town of *Berwick*, there shall be demanded and taken,

Tolls at the other Toll Gates in the County of Durham.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Seven-pence:

For every Horse, Mule, or other Beast whatsoever other than an Ass, drawing any Waggon, Wain, Cart, or other such Carriage with Two Wheels, Four-pence Halfpenny:

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, Two-pence:

For every Horse, Mule, or Beast of Burden other than an Ass, laden or unladen, and not drawing, Three-pence:

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

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

And

And for every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, Five-pence *per* Score, and so in proportion for any greater or less Number.

Tolls at
Gates in the
Liberties of
Berwick.

XI. And be it further enacted, That at each of the Toll Gates erected or to be erected on any of the Roads situated within the Liberties of the Borough of *Berwick-upon-Tweed* there shall be demanded and taken,

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Three-pence :

For every Horse, Mule, Ox, or other Beast whatsoever other than an Ass, drawing any Waggon, Wain, Cart, or other such Carriage with Two Wheels, Two-pence :

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, or not drawing, One Penny :

For every Horse, Mule, or other Beast of Burden except an Ass, laden or unladen, and not drawing, Three Halfpence :

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, Ten-pence *per* Score, and so in proportion for any greater or less Number :

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, Five-pence *per* Score, and so in proportion for any greater or less Number.

Additional
Toll on Wag-
gons unless
with broad
Wheels.

XII. And be it further enacted, That for every Horse, Mule, Ox, or other Beast drawing any Waggon or other such Carriage with Four Wheels, there shall be demanded and taken, at the said several Toll Gates erected or to be erected in the County of *Durham* and within the Liberties of *Berwick*, an additional Toll equal to One Half of the respective Tolls above imposed, on each Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, or other such Carriage with Two Wheels, unless such Waggon with Four Wheels shall have the Soles or Bottoms of the Fellies of each of the Wheels thereof of the Breadth of Four Inches and an Half.

Tolls on or
near the
Bridge over
the River
Tweed.

XIII. And be it further enacted, That at each of the Turnpikes or Toll Bars on or near the said Bridge over the River *Tweed* there shall be demanded and taken, by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Person, Horse, Cattle, or Carriage shall be permitted to pass through the same, over and above the Tolls leviabie on the said Roads in manner herein-before mentioned, the Tolls following ; (that is to say,)

For every Foot Passenger, One Penny :

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

For every Horse, Mule, Ox, or other Beast whatsoever, drawing any Waggon, Wain, Cart, or other such Carriage with Two Wheels, Sixpence :

For

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

For every Ass, laden or unladen, and not drawing, the Sum of 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 :

And for every Horse, Mule, Ox, or other Beast, drawing any Waggon or other such Carriage with Four Wheels, an additional Toll equal to One Half of the Tolls above imposed on each Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage with Two Wheels, unless such Waggon with Four Wheels shall have the Soles or Bottoms of the Fellies of each of the Wheels thereof of the Breadth of Four Inches and a Half :

Provided always, that the said Tolls shall be charged at One of the said Turnpikes or Toll Bars only for passing over the said Bridge.

XIV. And whereas, for the Purpose of keeping the said Bridge and the Roads leading to and from the same in good Repair, and to render the Tolls to be collected thereon or near thereto productive, it was found necessary and expedient that certain Bye Roads leading to and from the said River *Tweed*, and the Ferries and Fords herein-after mentioned, should be shut up, stopped, and discontinued ; and Powers and Authorities were, by the said recited Act hereby repealed, granted, upon the Erection of the said Bridge, to shut up, stop, and discontinue such Bye Roads, Ferries, and Fords ; and in pursuance thereof, as soon as the said Bridge was erected and made passable, the Passage over and through the said River at *New Water Ford* aforesaid, and also the Bye Roads leading from *Gainslaw* and *West Ord* to the said River *Tweed*, and across the same, and also all other Bye Roads leading to and from the said River, and all Ferries and Fords over and through the same between the Ford called *Upsetlington Ford* and *Berwick Bridge*, were shut and stopped up : And whereas it is expedient that the said Passage, Bye Roads, Ferries, and Roads should be continued to be shut up and stopped ; be it therefore further enacted, That the said Passage and Bye Roads, Ferries and Fords last-mentioned, shall be continued to be shut and stopped by building up the Passages to the said several Ferries and Fords, and the said several Bye Roads, with Stone and Lime, making Ditches across the same, or in such other Way and Manner as shall appear to the said Trustees most effectual for answering that Purpose ; and it shall not be lawful for any Person or Persons to cause or allow any Carriage, Horse, or Cattle to pass through, across, or over the said River at any Place situate between *Upsetlington Ford* and *Berwick Bridge* aforesaid (except along the said Bridge) ; and if any Person or Persons shall hereafter ride, lead, or drive any Carriage, Horses, Cattle, or Sheep, or cause any Carriage, Horses, Cattle, or Sheep to be ridden, driven, or led through, across, or over 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

Ferries and
Bye Roads
discontinued.

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evaded,

evaded; or if any Person or Persons shall pull down, destroy, or fill up any of the said Walls or Ditches when so made or erected as aforesaid, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the Owners and Occupiers of all Lands, Houses, Fisheries, and Hereditaments or Heritages situated and being adjoining or near to the said River *Tweed*, and their Servants, Horses, and Carriages, shall be allowed free Passage by such of the said Bye Roads as lead thereto on the same Side of the River.

Tolls to be paid but Once in a Day for passing and repassing through the same Gate.

XV. And be it further enacted; That, for or in respect of any Horse, Beast, or Cattle, no Person who shall have paid the Toll by this Act imposed for passing through any of the Gates or Turnpikes erected or to be erected by virtue of this Act shall be subject to the Payment of any Toll for returning through such Gate or Turnpike the same Day, before Twelve of the Clock at Night, with the same Cattle, or with the same Horses or other Beasts of Draught or Burden, drawing the same Coach, Waggon, or other Carriage, or bearing the same Person, but shall pass Toll-free, upon producing to the Collector or Collectors at such Turnpike or Turnpikes respectively a Note or Ticket; which the Collector to whom the said Toll shall have been paid is hereby required to deliver *gratis*, upon Receipt of the Tolls; and such Ticket shall specify the several Gates freed by such Payment.

Rule for charging the Tolls on the Roads.

XVI. Provided always, and be it further enacted, That no Person shall be required to pay any Toll for any Horse, Mule, Ass, Ox, Sheep, or other Cattle, or for any Carriage, more than Twice on any One of the said Lines of Road before mentioned; neither shall any Person be required to pay the said Tolls more than Once in Six Miles on any One of the said Lines of Road before mentioned.

Tolls on Stage Coaches and Post Chaises.

XVII. And be it further enacted, That the Tolls hereby made payable may be paid in respect of the Horses or other Beasts drawing any Stage Coach, Caravan, Stage Waggon, Cart, or other Carriage conveying Passengers or Goods for Hire or Reward, every Time of passing or repassing along the said Roads; and the said Tolls shall be paid in respect of all Horses or other Beasts let to Hire, and drawing any Post Chaise or other Carriage, every Time of passing or repassing along the said Roads, when a new Hiring thereof has taken place.

Sheep or Lambs exempted from Toll.

XVIII. And be it further enacted, That no Toll shall be demanded or taken at any of the Toll Gates under this Act for any Sheep or Lambs going to be washed or to Pasture, or returning after having been washed or from Pasture.

Application of Money.

XIX. And be it further enacted, That out of the first Monies which shall be collected at the several Toll Gates already erected or hereafter to be erected on the said Roads and Bridge at or near *New Water Ford*, or out of such Money as shall be borrowed on the Credit of the Tolls to be received thereat, all the Expences and Charges incident to and attending the obtaining and passing of this Act shall be paid and satisfied, and then One Sixth Part of the Tolls raised at

the several Toll Gates now erected or to be erected in the said County of *Durham*, within Two Miles from the said Town of *Berwick*, shall be set aside, to be applied towards the Improvement of the South Entrance into *Berwick* provided by this Act; and the Payment of the Price and Satisfaction of all Lands, Tenements, and Hereditaments purchased or to be purchased for the same, and Damages occasioned thereby, and of all Principal Money borrowed for those Purposes; and the Interest thereof; and the Remainder of the said Tolls at the said last-mentioned Toll Gates, and all the Money to be raised by the Tolls at all the other Toll Gates on the said Roads, and the said Bridge at or near *New Water Ford*, shall be applied in erecting, providing, and repairing necessary and proper Toll Gates and Toll Houses on the said Roads and Bridge, in paying the Interest of all Monies due and owing on the Credit of the said recited Act hereby repealed; and such as may be borrowed on the Credit of the said Tolls, in repairing the said Roads, and the said Bridge at or near *New Water Ford*, in making and repairing the said new Line of Road from *Mount Hooly* to *Buckton Burn*, and improving the said Road at *Sunnyside Hill*, and making Satisfaction for all Lands taken for the same, and Damage done thereby, and in Payment of all Principal Money due and owing on the Credit of the said recited Act hereby repealed, and this Act.

XX. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the new Piece of Road or Diversion from the Bottom of *Mount Hooly* to *Buckton Burn*, herein-before described, upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby; and also in, upon, over, or through any Commons or Waste Lands, or common or public Highways or Roads, without making any Satisfaction for such Commons or Waste Lands; of such Width or Dimensions as they shall think proper, not exceeding Sixty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road, as they shall think necessary or expedient.

XXI. And whereas a Map or Plan, describing the Line of the said Piece of Road or Diversion, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Peace for the County of *Durham*; be it therefore enacted, That the said Trustees, in making the said new Piece of Road or Diversion, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such new Piece of Road or Diversion shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace; and the same, or any Copy or Copies thereof, certified by the

New Piece of Road may be made.

Road to be made according to Plan deposited with the Clerk of the Peace.

the said Clerk of the Peace to be a true Copy or true Copies thereof; shall and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law and elsewhere.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads or Diversions into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more of the Justices of the Peace for the County of *Durham*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Limiting the Time of purchasing Lands, &c. to Five Years.

XXIII. Provided also, and be it further enacted, That in case the said Trustees shall not, within the Space of Five Years from the passing of this Act, purchase the Lands, Buildings, Tenements, and other Hereditaments which they are authorized to purchase for the Purposes of the said new Line of Road, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners thereof for the Time being.

For improving the Entrance into Berwick.

XXIV. And whereas the Entrance into the Town of *Berwick* from the Bridge over the River *Tweed*, as also Part of the said Bridge, are narrow, steep, and inconvenient; be it further enacted, That for the Purpose of widening and improving the same it shall be lawful to and for the said Trustees to purchase, for the Use of the Public, any Messuages, Tenements, and Hereditaments situate between the Bridge Gate and the Lane leading from *Bridge Street* to the *Bank Hill* on the North-west Side, as the said Trustees shall think proper to be wholly or partially removed or altered, and to pay for the same such Sum or Sums of Money as may be agreed on by the said Trustees and the Owner or Owners thereof, out of the said Monies, and also to pull down and remove the Whole, or such Part or Parts of such Messuages, Tenements, and Hereditaments as they shall deem expedient, and to cause the Sites thereof, or so much thereof as to them shall seem fit, to be added to or laid into the said Road, for the widening, levelling, and otherwise improving the same, and also to cause the Gate at the End of the said Bridge to be widened or altered or removed; and the Ground so added to or laid into the said Road by the said Trustees shall for ever after be deemed and taken to be a public common Highway; and the said Trustees shall have full Power and Authority also to fill up such Part of the said Road, and of the said Bridge next the Road, as they shall think necessary, in order to reduce the Rise in the Level thereof, making Compensation for Damage done thereby; and the said Trustees shall also cause the said Part of the said Entrance and Bridge, as far as the Level thereof shall be altered, to be paved or otherwise made a good Road; and the same shall at all Times thereafter be repaired by the Person or Persons,

Persons, Body or Bodies Politic or Corporate, now subject or liable to the Repair of the said Entrance, with such and the like Materials with which the same shall be so made by the said Trustees.

XXV. And be it further enacted, That for the Purpose of improving the said Entrance the said Trustees shall have full Power and Authority to cause the present Passage and Gateway leading to the Quay to be contracted so as to be sufficient for and used by Foot Passengers only, and not less than Five Feet in Width, and in place of the present Passage for Horses and Carriages to make another Road or Passage for Horses and Carriages, from the Bridge Gate adjoining the Quay, or in some other convenient Place, and for that Purpose to purchase the Fish House or Warehouse on the Quay lately occupied or used by the Old Shipping Company of *Berwick*, and now by *John Davidson*, and the Mast and Blockmaker's Shop occupied by *Robert Lyall* and Company, and to cause the same to be wholly or partially removed, and to pay for the same in manner aforesaid, and to use the Sites thereof, or Part thereof, for the said Passage; and the Ground so used shall for ever after be deemed to be a public common Highway: Provided always, that the Consent and Approbation of His Majesty's Honourable Board of Ordnance be previously obtained for the making of the said new Passage and Road, and for widening or altering or removing the said Bridge Gate, and that the same be done under the Direction of the Officers of the said Board; and after the said Roads or Passages to the Quay shall be so made or altered, the same shall be repaired and maintained by the said Trustees.

Quay Gate to be shut up, and new Way to the Quay to be made.

XXVI. And be it further enacted, That in case the said Trustees, or any Person authorized by them, shall, after any Houses, Buildings, Lands, Tenements, and Premises shall be purchased by them for any of the Purposes of this Act, give Six Calendar Months Notice in Writing, previous to either of the Terms of *Whitsuntide* or *Martinmas*, to the Tenants or Occupiers respectively of any such Premises so purchased, to quit or deliver up such Premises at such of the said Terms as shall be mentioned in such Notice, then every such Tenant or Occupier shall at the said Term peaceably and quietly deliver up the Possession of the Premises so by him or her respectively occupied, whether upon Lease or otherwise, to the Persons who shall be appointed by the said Trustees to take Possession thereof; and if any Person or Persons so in Possession shall refuse to give up such Possession at such Term as aforesaid, it shall be lawful for the said Trustees to issue a Precept or Precepts to the Sheriff of the said County of *Durham*, or the Coroner of the said Borough of *Berwick*, as the Case may be, to cause Possession thereof to be delivered to such Person or Persons as shall be in such Precept or Precepts nominated to receive the same, and to direct the said Sheriff or Coroner to levy such Costs as shall accrue by means of the issuing and execution of every such Precept by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs; and the said Sheriff and Coroner is and are hereby required to deliver Possession and to levy such Costs in manner aforesaid.

Occupiers to quit on Notice given.

[Local.]

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XXVII. And

Power to repair Twisel Bridge, Haggerston North and South Bridges, and Gainslaw Bridge.

XXVII. And be it further enacted, That the said Trustees shall and may apply so much of the Money which shall be collected at the said Toll Gates, as they shall from Time to Time judge necessary, for keeping in repair the Bridges called *Twisel Bridge* and *Haggerston North and South Bridges*, and also the Wooden Bridge over the River *Whitadder* at *Gainslaw*, within the Liberties of *Berwick* aforesaid, but they shall not be bound to rebuild or renew the said Bridge at *Gainslaw*.

For preventing improper driving of Carts.

XXVIII. And be it further enacted, That if any Person or Persons whatsoever having the Care of or driving any Waggon, Cart, or other such Carriage upon the said Roads and Bridges, or any Part thereof, shall drive the same at a furious Rate, or at an unnecessary or improper Pace, every Person so offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings.

No Driver to drive Carriages, &c. abreast.

XXIX. And be it further enacted, That no Driver of any Coach, Chaise, Waggon, Wain, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads, or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Wain, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as to obstruct the free Passage of the said Roads, or any Part thereof; and every Person so offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Forty Shillings.

The Coroner of Berwick to do all Acts required to be done by a Sheriff of a County by 3 G.4. c. 126.

XXX. And whereas by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, certain Powers are given to Sheriffs of Counties, and certain Acts are required to be done by them, and certain Penalties are thereby also imposed on them in certain Cases: And whereas the Provisions in the said recited Act are not applicable to the said Borough of *Berwick-upon-Tweed*, by reason that the same is not a County of itself, nor in the Body of any County; and the Coroner of the said Borough is the proper Person to act in that Behalf; be it therefore enacted, That in all Cases where the said Act has given, or any Act hereafter to be passed for regulating Turnpike Roads in that Part of *Great Britain* called *England*, shall give, any Powers to a Sheriff of a County, or does or shall require any Act or Acts to be done by a Sheriff of a County, or hath imposed or may impose any Penalty or Penalties on a Sheriff of a County, all the same Powers and Acts shall be and be deemed to be vested in and done by the Coroner of the said Borough, so far as regards all Matters and Things by this Act authorized to be done in the said Borough and the Liberties thereof; and the said Coroner shall be liable to the same Penalties as the Sheriff of any County is by the said recited Act declared to be liable to.

Right of the Corporation of Berwick to the Tolls

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen, prejudice, or take away the Right of the Mayor, Bailiffs, and Burgesses of

of the Borough and Corporation of *Berwick-upon-Tweed*, or their Successors, or their Lessee or Lessees, to the Tolls or Duties paid or payable for Cattle, Goods, or any other Thing passing or carried over *Berwick Bridge*, or through the Gates of the said Town; but that the said Mayor, Bailiffs, and Burgesses, and their Successors, shall and may have the same Right and Power to take and enjoy the said Tolls as fully and effectually as if this Act had not been passed.

of Berwick
Bridge re-
served.

XXXII. 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.

Public Act.

XXXIII. And be it further enacted, That the Powers by this Act granted shall commence from and after the Third *Monday* next after the passing of this Act, and shall continue in force during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Continuation
of Act.

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