



ANNO QUARTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## Cap. xxxix.

An Act to alter and amend an Act of the Ninth Year of the Reign of His late Majesty, intituled *An Act for more effectually repairing several Roads leading through the County of Selkirk, and for better making and repairing the said Roads, and other Roads in the said County, and in the Vicinity thereof.* [16th June 1834.]

**W**HEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for more effectually repairing several Roads leading through the County of Selkirk, and for better making and repairing the said Roads, and other Roads in the said County, and in the Vicinity thereof;* And whereas the Trustees in and by the said recited Act appointed have proceeded to put the same into execution; but it has been found expedient that the Powers and Provisions thereof should in some respects be altered and enlarged:  
[Local.] 11 H And 9G. 4.c.109.

Recited Act  
to be con-  
strued with  
this Act.

And whereas it will be for the Benefit of the Public that the Assessments in and by the said recited Act directed to be levied and applied to the Payment of certain Debts due upon the said Roads in manner mentioned in the said recited Act should be continued after the Payment of such Debts, and the Proceeds thereof applied towards the Liquidation and Payment of the other Debts since contracted by the Trustees acting under the said recited Act, in making the Roads therein mentioned, and to the other Purposes of the said recited Act; but as these Purposes 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 all the Powers, Authorities, Provisoos, Regulations, Directions, Privileges, Penalties, Forfeitures, Claims, Matters, and Things whatsoever in the said recited Act contained, except in so far as the same are altered, varied, repealed, or amended by this present Act, shall extend and be construed to extend to and operate and be in force for carrying this Act into effect, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things, except as aforesaid, be construed as one Act.

New Trus-  
tees appoint-  
ed instead of  
the former  
Trustees.

II. And be it further enacted, That the Appointment in the said recited Act contained of Trustees for carrying the Purposes thereof into effect shall be and the same is hereby repealed; and that, in lieu and place thereof, every Person who is at present, or shall be at any Time during the Continuance of this Act, in his own Right or in Right of his Wife, in the actual Possession or Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying in the said County of *Selkirk* valued in the Cess Books of the said County at Two hundred Pounds *Scots per Annum* or upwards; and the eldest Son, being the Heir Apparent, of every Person qualified as aforesaid; the Factor or Chamberlain of every Person who is at present, or shall be at any Time during the Continuance of this Act, in his own Right or in Right of his Wife, in the actual Possession or Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying in the said County of *Selkirk* valued in the Cess Books of the said County at Ten thousand Pounds *Scots per Annum* or upwards, in the Absence of his Constituent; the Factor or Chamberlain of every Proprietrix or Liferentrix in the actual Possession and Enjoyment of the *Dominium utile* of Lands lying in the said County of the Valuation of Ten thousand Pounds *Scots per Annum* or upwards, as aforesaid; One Guardian of each Minor, fatuous or furious Person, holding Lands in the said County of the Valuation of One thousand Pounds *Scots per Annum* or upwards; One Trustee of every Estate held in Trust in the said County of the Valuation of One thousand Pounds *Scots per Annum* or upwards, as aforesaid; and the chief Magistrate or eldest Baillie of the said Burgh of *Selkirk* for the Time

being, shall be and they are hereby appointed Trustees for ordering, superintending, surveying, making, improving, altering, repairing, and maintaining the Roads and Bridges in the said recited Act and this Act mentioned, and for putting into execution all and every the Powers and Authorities in and by the said recited Act and this Act given and granted.

III. Provided always, and be it enacted, That no Person shall be entitled to act as a Trustee, as a Factor or Chamberlain, for the Purposes of the said recited Act or this Act, unless such Person shall be infest for his own Use and in Possession of a Real Estate of the yearly Value of One hundred Pounds Sterling or upwards, or shall be possessed of a Personal Estate to the Amount of Two thousand Pounds Sterling or upwards.

Qualification  
of Factors  
or Cham-  
berlains.

IV. And whereas in carrying the Purposes of the said recited Act into execution a further Debt has been contracted by the Trustees acting under the same to the Amount of Seven thousand eight hundred and fifty Pounds, or thereabout, exclusive of the Debt herein-after mentioned incurred in the Erection of the Bridges over the Rivers *Tweed* and *Ettrick*, as authorized by the said recited Act; and it is expedient that the Power of assessing the County contained in the said recited Act, till certain Debts therein mentioned were paid, should be continued till the said Sum of Seven thousand eight hundred and fifty Pounds be paid and satisfied; be it therefore enacted, That the Powers of assessing the County, and all the Powers, Provisions, Authorities, Matters, and Things in relation to the same, contained in the said recited Act, shall be and the same are hereby continued and prolonged, after the Debts for which the Assessment under the said recited Act was authorized to be levied shall have been paid and satisfied, until the foresaid Sum of Seven thousand eight hundred and fifty Pounds shall be paid and satisfied by means of such Assessment, or of the other Funds provided by the said recited Act and this Act: Provided always, that no Assessment to be made by the Commissioners of Supply of the said County shall in any One Year exceed the Sum of Ten Shillings Sterling on each One hundred Pounds *Scots* of valued Rent, and so in proportion on a greater or lesser Sum.

Power of  
assessing  
the County  
continued  
till the Debt  
of 7,850*l.* be  
paid.

V. And be it further enacted, That the additional Sums so to be assessed and levied as aforesaid shall be applied towards the gradual Liquidation and Payment of the aforesaid Sum of Seven thousand eight hundred and fifty Pounds, and it shall not be lawful to make any Assessment beyond what may be necessary for the Purpose of paying off the said Sum as aforesaid, together with the necessary Expences to be incurred in the assessing and levying the said Assessment, and paying off the said Debt.

Application  
of the fur-  
ther Assess-  
ment.

VI. And whereas there has been incurred, in the Erection of the aforesaid Bridges over the Rivers *Tweed* and *Ettrick*, in forming the Approaches to the same, and in building the Toll or Pontage House

Application  
of the Rates,  
and Pontage  
Duties to be  
levied.

House at the said Bridge over the said River *Tweed*, an Expence of Two thousand five hundred and eight Pounds Three Shillings and One Penny, namely, the Sum of One thousand nine hundred and twenty-five Pounds by the Subscriptions of Individuals in Shares at the Rate of One hundred Pounds, and the Sum of Five hundred and eighty-three Pounds Three Shillings and One Penny by the said Trustees from the general Funds of the Trust; be it enacted and declared, That the Persons in Right of such Subscriptions or Shares as aforesaid, and their Heirs, Representatives, and Assignees, and the said Trustees for the foresaid Sum of Five hundred and eighty-three Pounds Three Shillings and One Penny advanced by them from the general Funds of the Trust as aforesaid, for their several Rights and Interests, are and shall be Creditors upon the said Bridges, and upon the Rates and Pontage Duties to be levied thereat.

Regulations  
as to Tolls  
collected on  
a certain  
Part of the  
Road.

VII. And whereas by the said recited Act the Trustees were authorized to have and maintain Three Turnpike Gates on either of the Lines of Road between the Place called *Hare Moss* on the Confines of the County of *Roxburgh* on the South, and the Extremity of the great Road from *Edinburgh* to *Carlisle* on the Confines of the said County of *Selkirk* on the North, and to levy Toll thereat, notwithstanding that such Turnpike Gates might be at less Distances from each other than Five Miles, and that in addition to the Toll leviable at the Gate or Gates to be erected at the Bridge or Bridges over the Rivers *Tweed* and *Ettrick*, and without giving Tickets; but the said Trustees having found it more expedient not to erect more than Two Turnpike Gates upon the Line of Road from *Hare Moss* to the Bridge over the River *Gala* near the Village of *Galashiels*, and to levy at each of them the same Rate as is levied at the Gates erected at the said Bridges; be it therefore enacted, That until the whole Sums advanced and expended in the Erection of the said Bridges, with the Interest thereon, as herein-after mentioned, shall have been repaid, the said Trustees shall not be entitled to maintain more than Two Turnpike Gates on the said last-mentioned Line of Road; and until such Sums and Interest shall be repaid the said Trustees shall levy at the Gates at the said Bridges the same Rates of Toll as at such Turnpike Gates; and the Revenue arising from such Pontage Bars shall be applied, in the first place, for the Payment of the Interest, at the Rate of Two and a Half *per Centum per Annum*, to which the Shareholders of the Bridges and the Trustees are entitled upon the Sums so expended upon the Bridges, commencing from the Term of *Whitsunday* One thousand eight hundred and thirty-three, when the said Bridges were opened; in the second place, for raising a Sinking Fund of One hundred Pounds Sterling *per Annum*, for the Liquidation of the Capital of the said Sums so expended on the said Bridges, until the same is fully liquidated; and, in the third place, until such Capital shall be so liquidated, the Balance of the said Pontage or Toll Duties at the said Bridges, if any, shall be applied towards the general Purposes of the Trust; but so soon as the whole of the said Sums advanced

advanced and expended in the Erection of the said Bridges, with the Interest thereon as aforesaid, shall have been fully repaid, the Pontage Duty at the said Bridges shall cease and be no longer leviabie; and so soon as such Pontage Duties shall cease to be levied the said Trustees shall be again entitled to have and maintain Three Turnpike Gates on the said Line of Road from *Hare Moss* to the Bridge over the River *Gala* near the Village of *Galashiels*.

VIII. And whereas in making the Road described in the said recited Act, from the Centre of the Bridge over the River *Gala* in the County of *Roxburgh* to the Confines of the said County of *Selkirk*, into the Village of *Galashiels*, through the said Village, and by or near the Farm Steadings of *Netherbarns* and *Boldside* to and along the aforesaid Bridges over the said Rivers *Tweed* and *Ettrick* above the Junction of the said Rivers, and from thence through Part of the County of *Roxburgh* to the Confines of the said County of *Selkirk* at or near a Place called *Bridgelands*, and from thence to the Town of *Selkirk*, the Trustees in the before-mentioned Act for the Purpose of rendering the said Road more commodious and useful to the Public found it expedient, in virtue of the Powers conferred on them by an Act of the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*, to deviate from the Line before mentioned, and also to make a Branch Road from the same at the Place called the *Heughs*, by the Foot of the said *Heughs*, and by *Selkirk Mills*, to the old Turnpike Road from the Town of *Selkirk* to *Edinburgh*; be it therefore enacted, That the said Road before described from the Bridge over the said River *Ettrick* through the Lands of *Bridgeheugh* to the Town of *Selkirk*, and the said Branch Road, also before described, shall be and the same are hereby declared to be Turnpike Roads; and the Trustees acting under the said recited Act and this Act shall have the same Powers and Authorities in regard to the said Road and Branch from the same as they would have had if the aforesaid Road and Branch had been especially described and contained in the said recited Act.

Road from  
Gala Bridge  
to Selkirk  
declared to  
be Turnpike.

1 & 2 W. 4.  
c. 43.

IX. And be it enacted, That the Expences of procuring, passing, and obtaining this Act shall be paid out of the first and readiest of the Monies collected, borrowed, or recovered by the said Trustees by virtue thereof.

Expences of  
this Act how  
to be paid.

X. And be it further enacted, That the Term granted by the said recited Act shall be and the same is hereby repealed, and that this Act shall take effect from and after the passing thereof, and shall, with the said recited Act, be carried into execution during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Endurance  
of the Act.

[Local.]

[11 I]

XI. And

Public Act. XI. 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.

---

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.