

## County Buildings, Duns

David McLean (2024)



### Introduction

The County Buildings were constructed in Newtown Street in Dunse in 1856 to serve as the sheriff courthouse and, therefore, the main seat of justice for the county of Berwickshire. The story of these buildings was interwoven, for a long period, with the contest between Dunse and Greenlaw over which should be designated as the county town. Both were burghs of barony and the honour of county town status had gone back and forward a few times before the Earl of Marchmont obtained an Act of Parliament in 1696 to make Greenlaw the head burgh where sheriff courts would be held. A number of efforts were made over the next century to have Dunse restored as county town and, while these failed, it seems that the Marchmont lairds became increasingly nervous. Around 1830, Sir William Purves-Hume-Campbell of Marchmont built the grand 'County Hall' in Greenlaw at his own expense of around £6500, perhaps believing that such a fine new building would assure Greenlaw's status as county town. But the people of Dunse would not give up and, in 1853, they succeeded in having the sheriff court moved to Dunse (where most legal and judicial people lived) except for jury trials which remained in Greenlaw. It was decided that Dunse must have a proper building in which the sheriff court would sit – hence the construction of the County Buildings a few years later in 1856. Greenlaw, however, remained county town.

## Construction and Function of the County Buildings

The foundation stone of the new sheriff courthouse in Dunse was laid in July 1856 by William Hay of Dunse Castle. Built in a Tudor-Jacobean style, the three bays of the facade of number 8 Newtown Street have tripartite windows and Dutch gables surmounted by finials; of particular interest are the highly decorative 'fish-scale' slates chosen for the roof. Today, the building is category-C listed. Calling the courthouse the 'County Buildings' was almost certainly staking a claim on county town status for Dunse; there were doubtless Greenlaw citizens who saw it as a deliberate provocation. It must have been a busy time for construction on Newtown Street since the Corn Exchange was still a couple of months from completion when the first stones of the County Buildings were laid across the street.

Then, there were perhaps regrets that Dunse had moved quite so soon. There was a desire in government that judicial facilities across the country should be generally improved so that all significant towns would have proper buildings to accommodate courts; in rural areas, the sheriff court was the bedrock of the judicial system. The Sheriff Court Houses (Scotland) Act of 1860 gave an impetus to such improvement, especially since central funding was made available to help pay for new courthouses - the Treasury would pay up to half the cost of approved buildings. Many new courthouses were constructed all over Scotland in the years after 1860. Since Dunse had essentially done just what the new Act desired, application was made for retrospective funding but, since the County Buildings had gone up four years before the new law was passed, the application was refused.

The sheriff court was the highest level of justice which operated in the new County Buildings. To give a flavour of its work, the court which sat in February 1870 dealt with a Dunse man charged with house-breaking, a man of no fixed abode charged with horse-stealing, two Lauder men charged with night poaching and a farm servant accused of theft. In May 1870, the sheriff dealt with two cases of riot and breach of the peace and seven cases of assault.

There were monthly Justice of the Peace courts for lesser crimes. In early 1870, the JP court dealt with two Dunse men and two Greenlaw men charged with day poaching and with three offences of being drunk and incapable. In May 1870, there were more poaching offences to be heard (Westruther men this time) as well as another two cases of drunkenness. A JP court in June 1870 heard the cases of two men charged with pasturing horses on the turnpike road near Edrom as well as the cases of three men who had been caught using carts without the owner's name painted on them – carts used for any business purpose required such identification in a similar way to modern vehicle registration numbers. Justices of the Peace also met annually in the County Buildings to deal with the granting and renewal of licenses for the sale of intoxicating liquors.

There were quarterly meetings of the Berwickshire Prison Board although their deliberations mainly concerned the jail in Greenlaw. In 1870, they had to respond to a recent new law which required certain classes of prisoner to be photographed. At a meeting in 1871, they heard that the greatest number of prisoners in the Greenlaw cells at any one time had been 11 males and 3 females; one inmate had been in the jail for the twelfth time! However, a profit of over £5 had been made on work done by the prisoners over the previous three months and,

perhaps for this reason, the prison chaplain was authorised to buy some new books for the jail's library.

When people appealed against the rates valuations on their properties, their cases were heard by the Commissioners of Supply at sessions in the County Buildings which were also the venue for meetings of the Berwickshire Roads Trustees, undertaking business such as arranging the tolls for Ladykirk and Norham Bridge.

The County Buildings also became the vote-counting centre for parliamentary elections. When a general election was held in July 1892, the ballot boxes from 17 polling places across Berwickshire were brought into Duns, most of them by train on the Friday morning. Counting began shortly after 10am in the Sheriff Court. Over 1000 people gathered in Newtown Street to hear the result declared from the steps of the County Buildings - Edward Marjoribanks (Liberal) : 2704; Charles Balfour (Conservative) : 1956.



*Dutch gable with finial and fish-scale slates at County Buildings*

## **County Town Status**

The question of winning back county town status from Greenlaw was never far from the minds of many Duns citizens and local gentry. There were sensible arguments to be made on both sides. Duns was clearly the thriving market town of the county, more centrally placed and with a far greater population than Greenlaw as well as more banks, shops and inns. By 1870, Duns also had a corn exchange and an auction mart. Most legal agents and officials lived in Duns and disliked having to travel to Greenlaw for jury trials. There was, in addition, an underlying bitterness that only the money and political influence of the Marchmont family had deprived Duns of being county town back in 1696. For their part,

Greenlaw people resented the efforts to deprive them of a status which they had held for almost 200 years. They had a fine County Hall, they were (like Dunse) conveniently situated on the railway and they had the Castle and Cross Keys inns to adequately accommodate any judicial or other travellers who needed to stay over.

The issue took a new twist in 1890. The Local Government (Scotland) Act of 1889 modernised the whole system of civic administration and created the first town and county councils. After their election, the members of the new Berwickshire County Council held their very first meeting in May 1890 in the County Hall at Greenlaw – and promptly decided by a vote of 18:12 that all subsequent meetings would be held in Duns! So Greenlaw was still officially the county town but the county council would have all meetings in the County Buildings in Duns, sharing the premises with the sheriff court; jury trials continued to be held in Greenlaw.

With a clear majority on Berwickshire County Council in favour of having Duns made the county town, efforts in that direction were now ramped up. It was assumed that it was only a matter of time and so some councillors began to talk of the need to make alterations and additions to the County Buildings in Newtown Street. Specifically, they needed increased accommodation for the sheriff court, new and sufficient accommodation for the police and space for meetings of the county council together with offices for county officials. A report was presented to the council in May 1892. The cost would be around £3500 to £4000 but, since they would be making considerable improvements to the sheriff court as part of the re-modelling, financial help would be given by the government in line with the 1860 Act.

Within six months, a public meeting was held in Greenlaw to protest against the Duns plans. They estimated, probably rather wildly, that the actual cost would be double the published figure which would require an increase in the rates - affecting all rate-payers in Berwickshire, of course, and not just those who lived in Duns. If accommodation were needed in Duns for county council meetings, there was the Town Hall in the middle of the Market Place which, someone said, could be hired for five shillings. The desire for the county town to be moved came from the people of Duns, not the people of Berwickshire. It must also be said that there were some Duns residents who also opposed the plan to extend the County Buildings if it meant an increase in the rates.

By late 1892, the next Berwickshire County Council had been elected and the convenor, Sir George Houstoun-Boswall, continued to emphasise the need to have good buildings in Duns if there was a chance that they might become the county town. He estimated at a council meeting that, with government grant-funding taken into account, the total cost would be around £3500. This sum could be borrowed from the Public Works Loan Commissioners and, with the cost being repaid over 30 years at moderate interest, the effects on the county rates would scarcely be noticeable. A majority of councillors shared the convenor's view.

At the same meeting, the council admitted a delegation of residents from Greenlaw and district who presented a petition of over 1500 signatures opposing the plans. The well-rehearsed arguments were made yet again, even questioning why the plans showed provision for a jury box and jury room in the proposed new sheriff court when jury trials were reserved to Greenlaw. And why did the county council require new accommodation when they met only four or five times a year?

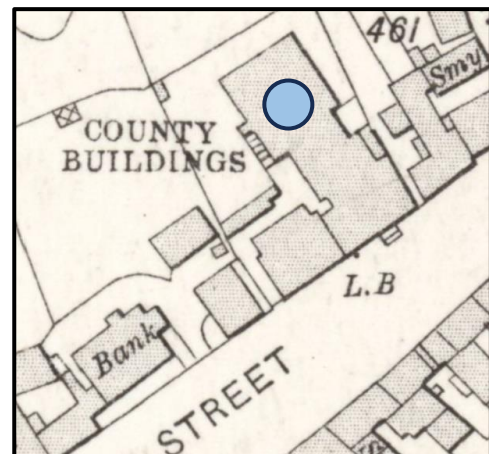
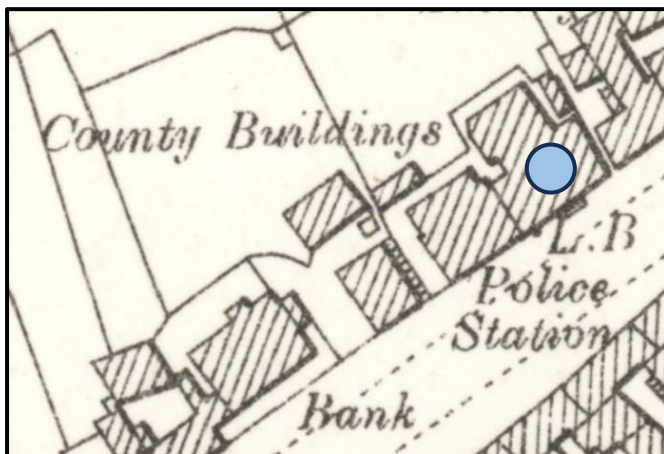
## Improved County Buildings

Greenlaw's efforts were to no avail. On the firm presumption that Duns would become county town in the near future, Berwickshire County Council obtained government approval of the plans drawn up by local architect George Duns and pressed on with their building work. By the summer of 1901, all the extensions and alterations were nearing completion, almost doubling the size of the buildings. The front elevation on Newtown Street was unaffected – all the new work was at the back of the property on what had been garden land.

On the ground floor of the rear extension was a fire-proof record room (record-storing facilities in Greenlaw's County Hall had been dire), an office for the county sanitary inspector, a weights and measures office and an additional room for the police together with two more cells, making six in total.

On the first floor of the extension was a large new court room with a bench and jury box plus a variety of offices and rooms for the sheriff, procurator-fiscal, clerks to the court, lawyers, jurors and witnesses (separate rooms for men and women). An outside staircase provided a separate access to the court-room from the police station next door which had been built in 1895. The county medical officer of health also had an office in this part of the building.

The old sheriff court-room on the first floor of the original building facing the street was turned into a meeting chamber for the county council and there was an office for the county clerk. Down below on the ground floor, there was a public office, as before. The Berwickshire News reported that 'a modern method of heating by water has been carried through all the rooms and the ventilation is according to Boyle's system'.



*Maps of 1899 (left) and 1908 (right) showing extension at rear of County Buildings*

It would seem that opposition to Duns becoming county town gradually faded; perhaps opponents, even in Greenlaw, increasingly saw it as a lost cause. Only an Act of Parliament could make the change happen and a bill was first introduced by the Secretary for Scotland in 1900. Success was not instant but, in May 1903, the bill to make Duns the county town of Berwickshire passed its final reading in the House of Lords.

## Later Developments

As time passed, county councils were continually required to take on more responsibilities and eventually the County Buildings could not provide sufficient office space. In 1919, the county council rented the top floors of the Dunlop Building in the Market Place for meeting space and offices for their secondary education, war pensions and public health departments. Then, in 1929, these departments were moved again, to the now-vacated British Linen Bank premises at 24 Newtown Street which the council had recently purchased for £1750.

At some point, probably in the early 1930s, the county council bought two vacant and condemned houses (numbers 4 and 6 Newtown Street) immediately next to the County Buildings on the east side with the intention of demolishing them to provide a site for expanded council offices. There was also talk of buying land behind the Horn Inn but nothing came of that. By the later 1930s, Duns Town Council became increasingly frustrated at the county council's inaction concerning these eyesore properties and threatened to carry out demolition themselves. In 1938, Berwickshire County Council applied for a demolition order on numbers 4 and 6 Newtown Street and the houses came down, leaving a gap site between the County Buildings and the Horn Inn. With the outbreak of war in 1939, it remained an empty space for many years.



*Gap site between County Buildings and Horn Inn caused by demolition of old domestic properties in 1938 (photo Canmore 1962)*

From 1940, Berwickshire County Council's education, planning and roads departments were gradually accommodated in Southfield in Station Road after the villa was presented to the county council by the Hays of Duns Castle and, in 1948, the county council purchased Lanark Lodge on Bridgend for its public health department. County council staff were now spread over six separate sites - four in Newtown Street, one in Station Road and one on Bridgend. With staff numbers constantly growing due to government demands, the advantages of a new building to accommodate all staff under one roof were clear but the

potential cost of around £100,000 and its subsequent effect on the rates caused considerable opposition. There was adequate council-owned land around Lanark Lodge but a proposal to build there was narrowly rejected by councillors in March 1960. A few years later, the cheaper option was taken to build a flat-roofed extension on the east side of the original County Buildings bridging the gap to the Horn Inn; it had been completed by 1967. This meant, however, that many council staff remained in other buildings in the town. County and town councils were abolished in 1975 with 'regionalisation' as it was known. Borders Regional Council set up its headquarters in Newtown St Boswells while the County Buildings in Duns became home to the lower-tier Berwickshire District Council. This was, in turn, abolished in 1996. The Sheriff Court and monthly JP Court continued in the town until they were finally closed, amid some controversy, in 2015.



*Flat-roofed extension built on gap site in later 1960s*

The 1960s extension is today used by Scottish Borders Council's social work department for adult services in Berwickshire; it is also the venue for meetings of the town community council. The original County Buildings and Sheriff Court next door (which contain the remnants of a 'nuclear bunker' from the time of the Cold War) face an uncertain future.

*The information in this paper has mainly been researched from newspapers of the time, especially the Berwickshire News.*

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