ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXXVIII.

An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being, for the Amendment and Preservation of the Publick Highways within that Part of *Great Britain* called *England*, and for other Purposes.

Preamble.

WHEREAS the Laws now in being for the Amendment and Preservation of the Highways of that Part of Great Britain called England require some Explanation and Amendment; 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 henceforth, upon the Twenty-second Day of September, in every Year, unless that Day shall be Sunday, and then on the Day following, the Constables, Headboroughs, Tythingmen, Churchwardens, Surveyor of

On *Sept.* 22, yearly, a List is to be made of at least Ten Persons, by the Constables, &c. at the usual Place of publick Meetings.

of the Highways, and Houſeholders, being aſſeſſed to any Parochial or Publick Rate of every Pariſh, Townſhip, or Place, ſhall aſſemble together at the Church or Chapel of ſuch Pariſh, Townſhip, or Place, or if there ſhall be no Church or Chapel, then at the uſual Place of publick Meetings for ſuch Pariſh, Townſhip, or Place, at the Hour of Eleven in the Forenoon: And the major Part of them, ſo aſſembled, ſhall make a Liſt of the Names of at leaſt Ten Perſons living within ſuch reſpective Pariſhes, Townſhips, or Places, who each of them have an Eſtate in Lands, Tenements, or Hereditaments, lying within ſuch reſpective Pariſh, Townſhip, or Place, in their own Right, or in the Right of their Wives, of the Value of Ten Pounds by the Year; or a perſonal Eſtate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houſes, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there ſhall not be Ten Perſons having ſuch Qualifications as aforeſaid, then they ſhall inſert in ſuch Liſt the Names of ſo many of ſuch Perſons as are ſo qualified, as above required, together with the Names of ſo many of the moſt ſufficient and able Inhabitants of ſuch Pariſh, Townſhip, or Place, not ſo qualified, as ſhall make up the Number Ten, if ſo many can be found; if not, ſo many as ſhall be there reſident, to ſerve the Office of Surveyor of the Highways: And the Conſtable, Headborough, or Tythingman, of ſuch Pariſh, Townſhip, or Place, ſhall, within Three Days after ſuch Meeting, tranſmit a Duplicate of ſuch Liſt to One of the Juſtices of the Peace within the Limit of the County, Riding, Diviſion, Hundred, City, Corporation, Precinct, or Liberty, where ſuch Pariſh, Townſhip, or Place, ſhall lie, living in or near the ſame; and ſhall alſo return and deliver the original Liſt, made and agreed upon at ſuch Meeting, to the Juſtices of the Peace, at their Special Seſſions to be held for the Highways within that Limit, in the Week next after the Michaelmas General Quarter Seſſions of the Peace in every Year; and ſhall alſo, within Three Days after making the ſaid Liſt, give perſonal Notices to, or cauſe Notices in Writing to be left at, the Places of Above of

Qualification of Surveyors.

A Duplicate of ſuch Liſt ſhall be tranſmitted to One of the Juſtices, and the original Liſt to the Special Seſſions, by the Conſtable, &c.

Notices to the Perſons contained in the Liſt.

the several Persons contained in such List, informing them of their being so named, to the Intent that they may severally appear before the Justices at the said Special Sessions to accept such Office, if they shall be appointed thereto, or to shew Cause, if they have any, against their being appointed: And the said Justices are hereby authorised and required to hold such Special Sessions at such convenient Place or Places within their respective Limits, as they in their Discretion shall judge proper; and to give Notice of the Time and Place where they intend to hold the same to the Constables, Headboroughs, or Tythingmen, of every such Parish, Township, or Place, at least Ten Days before the holding of the said Session; and the said Justices, then and there, from the said Lists, according to their Discretion, and the Largeness of the Parish, Township, or Place respectively, by Warrant under their Hands and Seals, shall appoint One, Two, or more of such Persons, as aforesaid, if he or they shall, in the Opinion of such Justices, be qualified for the Office of Surveyor, if not, One, Two, or more of the other substantial Inhabitants or Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within such Parish, Township, or Place, living within Three Miles thereof, and within the same County, fit and proper to serve the Office of Surveyor of the Highways for such Parish, Township, or Place, if any such can be found; which Appointment shall, by the Constables, Headboroughs, or Tythingmen, aforesaid, be notified to every Person so appointed by the said Justices, within Three Days after such Appointment, by serving him with the said Warrant, or by leaving the same, or a true Copy thereof, at his House, or usual Place of Abode; and every Person so appointed, if he accepts the said Office, shall be Surveyor of the Highways for the said Parish, Township, or Place, for the Year ensuing, and shall take upon him and duly execute the Office aforesaid; and the said Justices shall then and there give such of the said Surveyors as shall personally appear before them a Charge, for the better Performance of their Duty, according to the Directions of this Act: And if any of the said Persons, so appointed,

The Justices are to give 10 Days Notice of holding Special Sessions to the Constables, &c.

and may appoint from the Lists such Number of Surveyors as they shall judge fit, if they shall in the Opinion of the Justices be qualified for the Office; if not, other Inhabitants or Occupiers, &c.

which Appointment shall be notified to the Persons named, by the Constables, &c.;

and the Surveyor shall hold his Office for One Year.

Justices to give a Charge for the Performance of Surveyor's Duty.

Persons appointed from the List refusing to serve shall forfeit 5*l.*

whose Names were contained in such List, and who were served with the said Notice, shall refuse or neglect to appear at the said Special Sessions, and accept the said Office, if appointed thereto, in Manner aforesaid, or shall not, within Six Days after being served with such Warrant of Appointment, signify his Acceptance thereof, either in Person, or by Writing, to One of the said Justices, he shall forfeit the Sum of Five Pounds; and in case any Person so appointed by the said Justices, whose Name was not contained in such List, shall refuse or neglect to accept the said Office, or shall not, within Six Days after being served with such Appointment, shew to One of the Justices signing such Appointment, sufficient Cause why he should not serve such Office, he shall forfeit the Sum of Fifty Shillings: Provided that no Person who hath been appointed and served the Office of Surveyor for One Year, shall be liable to be appointed Surveyor for the same Parish, Township, or Place, within Three Years from the Time of such first Appointment and Service, unless he shall consent thereto; but if no such List shall be made and returned, or if the said Justices shall make such Appointment, as aforesaid, and the Person or Persons so appointed shall refuse to serve the said Office, the said Justices, or any Two of them, shall and may, and are hereby required, at the said Special Sessions, or at some subsequent Special Sessions, to be held within One Month after, to nominate and appoint some other Person or Persons to be Surveyor of such Parish, Township, or Place, whom they shall judge proper to execute that Office, and shall and may fix such Salary to be paid to such Surveyor, to be appointed as herein last before mentioned, out of the said Forfeitures, and all other Forfeitures, Fines, Penalties, Assessments, and Compositions, to be paid, levied, and raised, under the Authority of this Act, within such Parish, Township, or Place respectively, as such Justices shall think fit, not exceeding One-eighth Part of what shall have been raised by an Assessment of Sixpence in the Pound, for the Use of the Highways within such Parish, Township, or Place, where any such Assessment shall have been raised, and observing the same Restriction as near as they

and those not in the List, on Refusal, shall forfeit 50 *s.*

No Person who hath served One Year is to be again appointed for the same Place within 3 Years after, without his Consent.

If no such List be made, or the Person appointed refuses to serve, another Person may be appointed, at a subsequent Special Sessions,

and a Salary fixed,

not exceeding 1-8th Part of a 6 *d.* Assessment.

they can, from the best Information they shall be able to get of the probable Amount of such an Assessment, where none hath been already made; and the said Justice shall and may, if they think fit, require the Constables, Headboroughs, Tythingmen, and Surveyor, of every such Parish, Township, and Place, or any of them, to return to them, at such Time and Place as they shall appoint, an Account, in Writing, of the Sum which such Assessment of Sixpence in the Pound hath raised, or will, in his or their Opinion, raise, within such Parish, Township, or Place: And if the Constables, Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highway, and such Householders as aforesaid, of any Parish, Township, or Place, shall neglect or refuse to make such List as aforesaid; or if the Constable, Headborough, or Tythingman, of any Parish, Township, or Place, shall not return the said List of Names when made, and such Duplicate thereof, as aforesaid, and give such Notice or Notices, and serve such Warrant or Warrants, as in this Act is directed; or if the said Constable, Headborough, Tythingman, and Surveyor, or any of them, shall neglect to return such Account of the Amount of such Assessment, as aforesaid, when so required as aforesaid; every Constable, Headborough, Tythingman, Churchwarden, or Surveyor, so neglecting or refusing, in any of the said Cases, shall, for every such Default respectively, forfeit the Sum of Forty Shillings.

Justices may require the Constables, &c. to return an Account, in Writing, of the Sum which the Assessment of 6 d. per Pound will raise.

40 s. Penalty on the Constables, &c. not making or returning such Lists, or not giving the Notices required.

And be it further enacted, That in all Cases where the said Justices, upon Neglect or Refusal of the Person so nominated Surveyor as aforesaid to accept the said Office, shall appoint any other Person for such Surveyor, with a Salary as aforesaid, the said Justices shall, and are hereby required to appoint One substantial Inhabitant of such Parish, Township, or Place, for Assistant to such Surveyor in the several Matters, and for the several Purposes hereafter mentioned, until the next annual Appointment of Surveyors, according to the Directions of this Act; and if the Person so appointed Assistant shall, upon Notice of such Appointment, refuse to accept that Office, he shall forfeit the Sum of Fifty Shillings: And in that Case, it shall and may be lawful for such Justices to

Where the Justices, upon such Refusal, shall appoint another Person, they to appoint One substantial Inhabitant for his Assistant;

and, on his Refusal to accept that Office, he shall forfeit 50 s.

and the Justices may in that Case appoint another, who, on Refusal, shall also forfeit 5*os.*

appoint any other substantial Inhabitant of such Parish, Township or Place, for Assistant to such Surveyor in Manner and for the Time aforesaid; and if such Second appointed Assistant shall decline or refuse to accept the said Office, he shall, in like Manner, forfeit the Sum of Forty Shillings; and the said Justices shall and may appoint any other Person, inhabiting in such Parish, Township or Place, Assistant to such Surveyor, who shall be entitled to the said Forfeitures herein last before mentioned, and also to some further Allowance by way of Salary, to be paid as the Surveyor's Salary is hereby directed to be paid), if the said Justices shall think any such Salary necessary, and shall order the same, which they are hereby authorized to do: Provided that no Person so appointed Assistant for One Year shall be liable to be appointed Assistant for the same Parish, Township or Place, until the Three Years next following such First Appointment, without his Consent.

and, in that Case, they may appoint a third Person, who shall be intitled to the said Forfeitures, and to a further Allowance, by way of Salary, if the Justices shall think it necessary.

Bond to be given by the Surveyor appointed with a Salary,

And be it further enacted, That the Surveyor of every Parish, Township and Place, who shall not reside therein, but shall be appointed with such Salary as aforesaid, shall, if required by the Churchwardens, Overseer of the Poor or any principal Inhabitant of the Parish, Township or Place, for which he shall be so appointed Surveyor, at the Time of his Appointment, or within Fourteen Days after, give Bond upon Paper without Stamp thereupon, to some proper Person within such Parish, Township or Place, to be nominated by the said Justices, duly and sufficiently to account for the Money which shall come to his Hands as Surveyor, according to the Direction of this Act, which Bond shall be good and effectual in the Law.

to account for the Money which shall come to his Hands.

Duty of the Assistant Surveyor.

And be it further enacted, That the Assistant, to be nominated and appointed, as is hereby required, to the best of his Skill and Judgement, to assist the said Surveyor, whenever required by him, in taking in and attending the Performance of the Statute-duty, in collecting the Compositions, Fines, Penalties and Forfeitures; and making and collecting the Assessments in making Distress, and giving the Notices authorized by this Act; and in such other Matters and Things as shall be reasonably required to be done by the Surveyor, in the Execution

cution of his Office as Surveyor, pursuant to this Act: And the said Assistant shall justly and truly account with, and pay to, the said Surveyor, or to his Order, from Time to Time, according to the Directions of this Act, all the Money which shall come to his Hands as Assistant, by the Means aforesaid; and, in Default thereof, he shall forfeit Double the Value of the Money by him so received, and not so paid and accounted for; and if the said Assistant shall wilfully neglect or make Default in the Performance of any of the Duty required from him by this Act, he shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices of the Limit within which such Assistant shall be appointed: And the said Surveyor shall, and is hereby required to send Orders, in Writing, upon the said Assistant, for the Payment of all Sums due to any Person or Persons, for Work or Materials, by virtue of this Act, which amount to Forty Shillings, or upwards; and the said Surveyor shall not be responsible for any Sum or Sums of Money which shall be received by the said Assistant, and shall not be actually paid to such Surveyor, or to his Order, as aforesaid.

Forfeitures for Neglect of his Duty.

Surveyors to send Orders upon the Assistant for Payment of all Sums amounting to 40 *s.* or upwards.

Provided always, and be it further enacted, That if Two Parts out of Three of those so to be assembled in any such Parish, Township, or Place, for the Nomination of Surveyors, as aforesaid, shall agree in the Choice of any particular Person of Skill and Experience, to serve the said Office of Surveyor for such Parish, Township, or Place, and in the settling of a certain Salary for his Trouble therein, and shall return the Name of such Person, together with the List herein before directed, to the Justices of the Peace at their said Sessions, to be held in the Week next after the Michaelmas Quarter Sessions; that then, and in every such Case, it shall and may be lawful for the said Justices, if they shall think proper, to appoint such Person to be Surveyor for such Parish, Township, or Place, and allow him the Salary mentioned in such Agreement, which shall be raised and paid in the same Manner as the Salary herein before mentioned is directed to be raised and paid; and in

If Two Parts out of Three of those assembled in any Parish, &c. shall agree in the Choice of a Person of Skill to serve the Office of Surveyor, and in setting his Salary,

Justices may appoint such Person, and allow him the said Salary;

and if any Surveyor shall die, or become incapable of executing the Office, the Justices may appoint another Person, and allow him the Salary.

case any Surveyor to be appointed under the Authority of this Act shall die, or become incapable of executing that Office, before such next Special Sessions for appointing Surveyors, the said Justices, or any Two of them, shall and may, at some Special Sessions, nominate and appoint such Person or Persons as they shall think proper, to execute the said Office, until such next Special Sessions for appointing Surveyors as aforesaid; and if such deceased Surveyor had a Salary, they may allow the same Salary to his Successor, in Proportion to the Time he shall serve the said Office; and if the said Justices of the Peace, at their said Special Sessions, or at any Time afterwards, pursuant to the Powers of this Act, shall appoint more than One Person for Surveyor of any Parish, Township, or Place, all and every Person or Persons so appointed, shall be comprehended under the Word Surveyor in every Part of this Act.

If more Surveyors than One shall be appointed, they are all comprehended under the Word *Surveyor*.

No Tree, Bush, or Shrub, allowed to grow or stand within 15 Feet of the Centre of the Highway;

And be it further enacted, That no Tree, Bush, or Shrub, shall be permitted to stand, or grow, in any Highways, within the Distance of Fifteen Feet from the Centre thereof, (except for Ornament or Shelter to the House, Building, or Court-yard of the Owner thereof), or hereafter to be planted within the Distance aforesaid; but the same shall respectively be cut down, grubbed up, and carried away, by the Owner or Occupier of the Land or Soil where the same doth or shall stand or grow, within Ten Days after Notice to him, her, or them, or his, her, or their Steward or Agent, given by the said Surveyors, or any of them, on Pain of forfeiting, for every Neglect, the Sum of Ten Shillings.

on Forfeiture of 10 *s.* by the Owners.

Hedges and Trees adjoining to Highways, by whom, and in what Manner, to be cut and pruned.

And be it further enacted, That the Possessors of the Land next adjoining to every Highway shall cut, prune, and plash their Hedges, and also cut down or prune and lop the Trees growing in or near such Hedges or other Fences, (except those Trees planted for Ornament or Shelter, as aforesaid), in such Manner that the Highways shall not be prejudiced by the Shade thereof respectively, and that the Sun and Wind may not be excluded

stuped from such Highway to the Damage thereof; and that if such Possessor shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and plash, such Hedges, and cut down or prune and lop such Trees, in Manner aforesaid, it shall and may be lawful for the Surveyor, and he is hereby required, to make Complaint thereof to some Justice of the Peace of the Limit where such Highway shall be, who shall summon the Possessor of the said Lands to appear before the Justices at some Special Sessions for that Limit, to answer to the said Complaint; and if it shall appear to the Justices, at such Special Sessions, that such Possessor had not complied with the Requisites of this Act, it shall and may be lawful for the said Justices, upon hearing the Surveyor and the Possessor of such Land, or his Agent, (or in Default of his Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, plashed, and pruned, and such Trees to be cut down, or pruned in such Manner, as may best answer the Purposes aforesaid; and if the Possessor of such Lands shall not obey such Order, within Ten Days after it shall have been made, and he shall have had due Notice thereof, he shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut and plashed, and the Sum of Two Shillings for every Tree which shall be so neglected to be cut down or pruned, and lopped; and the Surveyor, in case of such Default made by the Possessor, shall, and is hereby required to cut, prune, and plash such Hedges, and to cut down or prune and lop such Trees, in the Manner directed by such Order; and such Possessor shall be charged with, and pay, over and above the said Penalties, the Charges and Expences of doing the same; or, in Default thereof, such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of Peace, in such Manner as is authorised for Forfeitures incurred by virtue of this Act.

And

Occupiers of Lands shall make sufficient Ditches, Drains, or Watercourses, and lay sufficient Trunks, Plats, or Bridges, where Cartways, &c. lead out of Highways into such Lands:

And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth, for the keeping all Highways dry, and conveying the Water from the same, shall be made, scoured, cleansed, and kept open, and sufficient Trunks, Tunnels, Plats, or Bridges, shall be made and laid where any Cartways, Horseways, or Footways, lead out of the said Highways into the Lands or Grounds adjoining thereto, by the Occupier or Occupiers of such Lands or Grounds; and every Person or Persons who shall occupy any Lands or Grounds adjoining to, or lying near such Highway through which the Water hath used to pass from the said Highway, shall, and is hereby required, from Time to Time, as often as Occasion shall be, to open, cleanse, and scour, the Ditches, Watercourses, or Drains, for such Water to pass without Obstruction; and that every Person making Default in any of the Matters or Things aforesaid, after Ten Days Notice to him, her, or them, given of the same, by the said Surveyor, shall, for every such Offence, forfeit the Sum of Ten Shillings.

They shall forfeit, for every Offence, 10 s.

Persons laying Stone, Timber, Straw, &c. in any Highway, or Soil out of Ditches, &c. shall, for every Offence, forfeit 10 s.

And be it further enacted, That if any Person or Persons, shall lay, in any Highway, any Stone, Timber, Straw, Dung, or other Matter, or in making, scouring, or cleansing the Ditches or Watercourses, shall permit the Soil or Earth, dug out of such Ditches, Drains, or Watercourses, to remain in such Highway, in such Manner as to obstruct or prejudice the same, for the Space of Five Days after Notice thereof given by the Surveyor of the Highways; every Person or Persons offending in any of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Stone, Timber, Hay, Straw, &c. laid within 15 Feet of the Centre of the Highway, and not removed in 5 Days after Notice given, the Owner of the adjacent Lands may remove and dispose of the same to his own Use.

And be it further enacted, That if any Stone or Timber, or any Hay, Straw, Stubble, or other Matter, for the making of Manure, or on any other Pretence whatsoever, not tolerated by this Act, shall be laid in any Highway, within the Distance of Fifteen Feet from the Centre thereof, and shall not, within Five Days after Notice given by the Surveyor, or some Person aggrieved

grieved thereby, be removed, it shall and may be lawful to the Owner or Possessor of the Lands adjacent, or any other Person or Persons whomsoever, by Order from some Justice of Peace, to clear the said Highways, by removing the said Stone, Timber, Hay, Straw, Dung, or other Matter, and to have, take, and dispose of the same, to his and their own Use.

Obstruction in the Highways by Carriages or Implements of Husbandry.

And, for preventing Obstructions in the said Highways, be it enacted, That if any Person shall wilfully set, place, or leave, any Waggon, Cart, or other Carriage, or any Plough or Instrument of Husbandry, in any of the said Highways, (except only with respect to such Waggon, Cart, or Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of such Highway as conveniently may be), so as to interrupt or hinder the free Passage of any other Carriage, or of his Majesty's Subjects; every Person so offending shall forfeit the Sum of Ten Shillings for every such Offence.

makes the Offender forfeit 10 s.

Surveyors Duty, on taking a View of the Condition of the Highways, &c. within the District, in respect of Nuisances, Obstructions, &c.

And be it further enacted, That the Surveyors of the Highways, to be appointed by virtue of this Act, shall, at all such Times and Seasons as they shall judge proper, view all the common Highways, Trunks, Tunnels, Plats, Hedges, Ditches, Banks, Bridges, Causeways, and Pavements, within the Parish, Township, or Place, for which they shall be appointed Surveyors; and in case they shall observe any Nuisances, Incroachments, Obstructions, or Annoyances, made, committed, or permitted, in, upon, or to the Prejudice of them, or any of them, contrary to the Directions of this Act, they shall, from Time to Time, as soon as conveniently may be, give, or cause to be given, to any Person or Persons, doing, committing, or permitting the same, personal Notice, or Notice in Writing, to be left at his, her, or their usual Place or Places of Abode, specifying the Particulars wherein such Nuisances, Defaults, Obstructions, or Annoyances, consist; and if such Nuisances, Obstructions, or Annoyances, shall not be removed, and the Ditches, Drains, Gutters, and Watercourses aforesaid effectually made, scoured, cleansed, and

If the Offender does not remove such Nuisance, &c. after Notice,

opened, and such Trunks, Tunnels, Plats, and Bridges, made and laid, and such Hedges properly cut and pruned, within Twenty Days after such Notice of the same respectively given as aforesaid, then the said Surveyors shall be, and they are hereby fully authorised and impowered, forthwith to remove such Nuisances, Obstructions, or Annoyances, and open, cleanse, and scour such Ditches, Gutters, and Watercourses, and make or amend such Trunks, Tunnels, Plats, or Bridges, and cut and prune such Hedges, for the Benefit and Improvement of the said Highways, to the best of their Skill and Judgement, and according to the true Intent and Meaning of this Act; and the Person or Persons so neglecting to make, or open and cleanse such Ditches, Gutters, or Watercourses, or to cut or prune such Hedges, during the Time aforesaid, after such Notice given, shall forfeit, for every Foot in Length which shall be so neglected, the Sum of One Penny; and the said Surveyors shall be reimbursed what Charges and Expences they shall be at in removing such Nuisances, Obstructions, or Annoyances, and making or opening, cleansing and scouring, such Ditches, Gutters, and Watercourses, and in making or amending such Trunks, Tunnels, Plats, or Bridges, and in cutting and pruning such Hedges respectively, by the Person or Persons who ought to have done the same, over and above the said Forfeiture; and in case such Person or Persons shall, upon Demand, refuse or neglect to pay the said Surveyor his Charges and Expences occasioned thereby respectively, and also the said Forfeiture of One Penny per Foot, then the said Surveyor shall apply to any Justice of the Peace; and, upon making Oath before him of Notice being given to the Defaulter in Manner aforesaid, and of the said Work being done by such Surveyor, and of the Expences attending the same, the said Surveyor shall be repaid by such Person or Persons all such his said Charges as shall be allowed to be reasonable by the said Justice; or, in Default of Payment thereof on Demand, the same shall be levied in such Manner as the Penalties and Forfeitures hereby inflicted are directed to be levied.

the Surveyor shall do it,

and the Offender shall pay the Charges thereof.

Provided

Provided nevertheless, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of September and the last Day of March; and that nothing herein contained shall extend, or be construed to oblige any Person or Persons to fell any Timber Trees growing in Hedges at any Time whatsoever, except where the Highways shall be ordered to be enlarged, as herein-after mentioned, or to cut down or grub up any Oak Trees growing within such Highway, or in such Hedges, except in the Months of April, May, or June, or any Ash, Elm, or other Trees, in any other Months than in the Months of December, January, February, or March. Times of cutting Hedges, and of felling Trees, &c. growing in the Highways.

And be it further enacted, That where the Ditches, Gutters, or Watercourses, which have been usually made, or which are herein-before directed to be made, cleansed, and kept open, shall not be sufficient to carry off the Water which shall lie upon and annoy the Highways; that then, and in every such Case, it shall and may be lawful for the said Surveyors, by the Order of any One or more of the said Justices, to make new Ditches and Drains in and through the said Lands and Grounds adjoining, or lying near to, such Highways, or in and through any other Lands or Grounds, if it shall be necessary, for the more easy and effectually carrying off such Water from the said Highways, and also to keep such Ditches, Gutters, or Watercourses, scoured, cleansed, and opened; and the said Surveyors, and their Workmen, are hereby authorised to go upon the said Lands for the Purposes aforesaid: Provided, that the said Surveyors make proper Trunks, Tunnels, Plats, Bridges, or Arches, over such Ditches, Gutters, or Watercourses, where the same shall be necessary, for the convenient Use and Enjoyment of the Lands or Grounds through which the same shall be made, and, from Time to Time, keep the same in Repair; and do also make Satisfaction to the Owner or Occupier of such Lands which are not Waste or Common, for the Damages which he, she, or they, shall sustain thereby; to be settled Where the old Ditches, Gutters, or Watercourses are insufficient, new ones may be made.

and

and paid in such Manner as the Damages for getting Materials in several or inclosed Lands or Grounds are hereafter directed to be settled and paid.

Cartways to Market Towns are to be made 20 Feet wide,

And be it further enacted, That the said Surveyors of the Highways shall, and they are hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every publick Cartway leading to any Market Town, Twenty Feet wide at the least; and

and Horse-ways or Drift-ways Eight Feet wide.

every publick Horseway or Driftway, Eight Feet wide at the least, if the Ground between the Fences inclosing the same will admit thereof.

Justices may order narrow Roads to be widened,

Provided always, and be it further enacted, That where it shall appear, upon the View of any Two or more of the said Justices of the Peace, that the Ground or Soil of any Highway between the Fences thereof is not of sufficient Breadth, and may be conveniently widened and enlarged, or that the same cannot be conveniently enlarged, and made commodious for Travellers, without diverting and turning the same; such Justices shall, and they are hereby impowered, within their respective Jurisdictions, to order such Highways respectively to be widened and enlarged, or diverted and turned in such Manner as they shall think fit, so that the said Highways, when enlarged and diverted, shall not exceed Thirty Feet in Breadth; and that neither of the said Powers do extend to pull down any House or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard;

or diverted and turned.

Surveyors to agree with Owners of Lands for Recompence;

and for the Satisfaction of the Person or Persons, Bodies Politick or Corporate, who are seised or possessed of, or interested in their own Right, or in Trust for any other Person or Persons, in the said Ground that shall be laid into the said Highways respectively, so to be enlarged, or through which such Highway, so to be diverted and turned, shall go, the said Surveyor, under the Direction, and with the Approbation of the said Justices, shall, and is hereby impowered to make an Agreement with him, her, or them, for the Recompence to be made for such Ground, and for the making such new Ditches and Fences as shall be necessary, according and in Proportion to their several and respective Interests therein, and also with any other Person or Persons, Bodies Politick or Corporate,

Corporate, that may be injured by the enlarging, altering, or diverting such Highways respectively, for the Satisfaction to be made to him, her, or them respectively, as aforesaid: And if the said Surveyor, under the Direction, and with the Approbation, of the said Justices, cannot agree with the said Person or Persons, Bodies Politick or Corporate, or if he, she, or they, cannot be found, or shall refuse to treat, or take such Recompence or Satisfaction as shall be offered to them respectively by such Surveyor; then the Justices of the Peace, at any General Quarter Sessions to be holden for the Limit wherein such Ground shall lie, upon Certificate in Writing, signed by the Justices making such View as aforesaid, of their Proceedings in the Premises, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of such Parish, Township, or Place, to the Owner, Occupier, or other Person or Persons, Bodies Politick or Corporate, interested in such Ground, or to his, her, or their Guardian, Trustee, Clerk, or Agent, signifying an Intention to apply to such Quarter Sessions for the Purpose of taking such Ground, shall impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and the said Jury shall, upon their Oaths, to the best of their Judgement, assess the Damages to be given, and Recompence to be made, to the Owners and others interested as aforesaid in the said Ground, for their respective Interests, as they shall think reasonable, not exceeding Forty Years Purchase for the clear yearly Value of the Ground so laid out, and likewise such Recompence as they shall think reasonable, for the making of new Ditches and Fences on the Side or Sides of the said Highways that shall be so enlarged or diverted, and also Satisfaction to any Person or Persons, Bodies Politick or Corporate, that may be otherwise injured by the enlarging or diverting the said Highways respectively: And, upon Payment or Tender of the Money so to be awarded and assessed to the Person or Persons, Bodies Politick or Corporate, intitled to receive the same, or leaving it in the Hands of the Clerk of the Peace of such Limit, in case such Person or Persons, Bodies Politick or Cor-

and if they cannot agree,

the same may be assessed by a Jury

at the Quarter Sessions.

On Payment of Money assessed, Ground to be deemed a publick Highway.

porate, cannot be found, or shall refuse to accept the same, for the Use of the Owner of, or others interested in, the said Ground. the Interest of the said Person or Persons, Bodies Politick or Corporate, in the said Ground, shall be for ever divested out of them, and the said Ground, after such Agreement or Verdict as aforesaid, shall be esteemed and taken to be a publick Highway, to all Intents and Purposes whatsoever; saving nevertheless to the Owner or Owners of such Ground all Mines, Minerals, and Fossils, lying under the same, which can or may be got without breaking the Surface of the said Highway; and also all Timber and Wood growing upon such Ground, to be fallen and taken by such Owner or Owners within One Month after such Order shall have been made, or in Default thereof, to be fallen by the said Surveyor or Surveyors, within the respective Months aforesaid, and laid upon the Land adjoining, for the Benefit of the said Owner or Owners: And where there shall not appear sufficient Money in the Hands of the Surveyor or Surveyors, for the Purposes aforesaid, then the said Two Justices, in case of Agreement, or the said Court of Quarter Sessions, after such Verdict as aforesaid, shall order an equal Assessment to be made, levied, and collected, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the respective Parishes, Townships, or Places, where such Highways shall lie, and direct the Money to be paid to the Person or Persons, Bodies Politick or Corporate, so interested, in such Manner as the said Justices, or Court of Quarter Sessions respectively, shall direct and appoint: And the Money thereby raised shall be employed and accounted for, according to the Order and Direction of the said Justices, or Court of Quarter Sessions respectively, for and towards the purchasing the Land to enlarge or divert the said Highways, and for the making the said Ditches and Fences, and also Satisfaction for the Damages sustained thereby; and the said Assessment, if not paid within Ten Days after Demand, shall, by Order of the said Justices, or Court of Quarter Sessions respectively, be levied by the said Surveyor, in the Manner herein-after mentioned: Provided, that no such Assess-

Where there is not Money sufficient, Assessments may be raised by Order of the Justices at their Quarter Sessions,

ment to be made in any One Year shall exceed the Rate of Sixpence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, so assessed. not exceeding 6*d.* in the Pound.

And be it further enacted, That when any such new Highways shall be made as aforesaid, the old Highway shall be stopped up, and the Land and Soil thereof shall be sold by the said Surveyor, with the Approbation of the said Justices, to some Person or Persons whose Lands adjoin thereto, if he, she, or they, shall be willing to purchase the same, if not, to some other Person or Persons, for the full Value thereof: But if such old Road shall lead to any Lands, House, or Place, which cannot in the Opinion of such Justices respectively be accommodated with a convenient Way and Passage from such new Highway, which they are hereby authorised to order and lay out, if they find it necessary; then, and in such Case, the said old Highway shall only be sold subject to the Right of Way and Passage to such Lands, House, or Place respectively, according to the ancient Usage in that Respect; and the Money arising from such Sale, in either of the said Cases, shall be applied towards the Purchase of the Land where such new Highway shall be made; And upon Payment or Tender of the Money so to be agreed for as aforesaid, and upon a Certificate being signed by the said Two Justices, or by the Chairman of the said Court of Quarter Sessions, in case the same shall be determined there, describing the Lands so sold, and expressing the Sum so agreed for, and directing to whom the same shall be paid; and upon the Purchaser's taking a Receipt for such Purchase-money from the Person intitled to receive the same, by an Indorsement on the Back of such Certificate, the Soil of such old Highway shall become vested in such Purchaser and his Heirs; but all Mines, Minerals, and Fossils, lying under the same, shall continue to be the Property of the Person or Persons who would from Time to Time have been intitled to the same, if such old Highway had continued there. Old Highway and Soil may be sold by the Surveyor, subject to ancient Right of Way and Passage. Mines and Minerals reserved to the Owners.

And

Costs of Proceedings by whom payable.

And be it further enacted, That in case such Jury shall give in and deliver a Verdict for more Monies, as a Recompence for the Right, Interest, or Property, of any Person or Persons, Bodies Politick or Corporate, in such Lands or Grounds, or for the making such Fence, or for such Damage or Injury to be sustained by him, her, or them respectively, as aforesaid, than what shall have been proposed and offered by the said Surveyor, before such Application to the said Court of Quarter Sessions, as aforesaid; that then, and in such Case, the Costs and Expences attending the said several Proceedings shall be borne and paid by the Surveyor of the said Highway, out of the Monies in his or their hands, or to be assessed and levied by virtue and under the Powers of this Act; but if such Jury shall give and deliver a Verdict for no more, or for less Monies than shall have been so offered and proposed by the said Surveyor, before such Application to the said Court of Quarter Sessions; that then the said Costs and Expences shall be borne and paid by the Person or Persons, Bodies Politick or Corporate, who shall have refused to accept the Recompence and Satisfaction so offered to him, her, or them, as aforesaid.

Highways, Bridleways, and Footways, may be turned by the Justices at their Special Sessions, with the Consent of the Owners of the Lands, if they are nearer or more convenient to the Publick, and the old ones may be stopped up and inclosed.

And be it further enacted, That when it shall appear, upon the View of any Two or more of the said Justices of the Peace, that any publick Highway, not in the Situation herein-before described, or publick Bridle-way, or Foot-way, may be diverted, so as to make the same nearer or more commodious to the Publick, and the Owner or Owners of the Lands and Grounds through which such new Highway, Bridle-way, or Foot-way, is proposed to be made, shall consent thereto, by Writing under his or their Hand and Seal, or Hands and Seals, it shall and may be lawful, by Order of such Justices, at some Special Sessions, to divert and turn, and to stop up such Foot-way, and to divert, turn, and stop up, and inclose, sell, and dispose of such old Highway or Bridle-way, and to purchase the Ground and Soil for such new Highway, Bridle-way, or Foot-way, by such Ways and Means, and subject to such Exceptions and Conditions, in all Respects, as herein-before mentioned with regard to Highways

to be widened or diverted; and where any such Highway, Bridleway, or Footway, herein last before described, shall be so ordered to be stopped up or inclosed, and such new Highway, Bridleway, or Footway, set out and appropriated in lieu thereof, as aforesaid, it shall and may be lawful for any Person or Persons injured or aggrieved by any such Order or Proceeding, or by the Inclosure of any Road or Highway, by virtue of any Inquisition taken upon any Writ of Ad quod damnum, to make his or their Complaint thereof, by Appeal to the Justices of the Peace at the next General Quarter Sessions, which shall be holden within the Limit where the same shall lie, after such Order made or Proceeding had, as aforesaid, upon giving Ten Days Notice in Writing of such Appeal to the Surveyor and Party interested in such Inclosure, if there shall be sufficient Time for that Purpose; if not, such Appeal may be made upon the like Notice to the next subsequent Quarter Sessions of the Peace, which Courts of Quarter Sessions are hereby respectively authorised and impowered to hear and finally determine such Appeal; and if no such Appeal be made, or, being made, such Order and Proceedings shall be confirmed by the said Court, the said Inclosures may be made, and the said Ways stopped, and the Proceedings thereupon shall be binding and conclusive to all Persons whomsoever; and the new Highway, Bridleway, or Footway, so to be appropriated and set out, shall be, and for ever after continue, a publick Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; but no Inclosures of such old Highways or Bridleway, or Stoppage of such Footway, shall be made, until such new Highways, Bridleway, or Footway, shall be compleated, and put into good Condition and Repair, and so certified by Two Justices of the Peace, upon View thereof; which Certificate shall be returned to the Clerk of the Peace, and by him inrolled amongst the Records of the said Court of Quarter Sessions; but from and after such Certificate, such old Highways, Bridleway, or Footway, shall and may be stopped up, and the Soil of such old Highways or Bridleway sold, in the Manner, and subject to the Reservations and Restrictions herein-before mentioned with respect

Appeal may be made to the Quarter Sessions to Proceedings by Writ of *Ad quod damnum*, or otherwise.

No such Inclosures to be made until the new Highways, &c. shall be compleated.

and Certificate thereof returned to the Clerk of the Peace.

respect to Highways to be enlarged or diverted by virtue of this Act: And where any Highway, Bridleway, or Footway, hath been diverted and turned above Twelve Months, either from Necessity, where the same have been destroyed by Floods, or Slips of the Ground on which they were made, or from other Causes and Motives, if new Highways, Bridleways, or Footways, have been made in lieu thereof, nearer or more commodious to the Publick, and the same have been acquiesced in, and no Suit or Prosecution hath been commenced for the diverting or turning the same, every new Highway, Bridleway, or Footway, set out and used in the Place of that so diverted and turned, shall from henceforth be the publick Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; and all Persons liable to the Repair of any such old Highways, Bridleway, or Footway, so diverted and turned, or to be diverted and turned, as aforesaid, shall, in the same Manner, be and continue liable to the Repair of such new Highways, Bridleway, or Footway, except where any Agreement shall have been made relative to such Repairs, between the Parties interested therein, which hath laid the Burthen thereof, or of any Part thereof, upon any other Person or Persons in which Case the same shall be observed.

Concerning those which have been turned above 12 Months and no Prosecution commenced.

Provided nevertheless, and be it further enacted, That no common Land, lying between the Fences of any old Highway to be stopped up or inclosed by virtue of this Act shall be inclosed; and where the Land lying between the Fences of such Highway, not being common Land, shall, upon a Medium, exceed Thirty Feet in Breadth, and not extend to Fifty Feet in Breadth, the same shall not be stopped up or inclosed, until Satisfaction shall be made to the Owner of such Land, for so much thereof as shall exceed the said Breadth of Thirty Feet; and if the Parties cannot agree in the Satisfaction so to be made, the same shall be adjusted by the said Justices, or the Jury, if a Jury shall be impanelled; and if the Land between the Fences inclosing such Highways, not being common Land, shall exceed Fifty Feet in Breadth upon a Medium, or if the said old Road, so

In what Cases, and in what Manner, and upon what Terms, the old Highways, or the Lands lying between the Fences inclosing the same, shall be disposed of.

to

to be diverted or turned shall lie through the open Field or Ground belonging to any particular Person or Persons, such Person or Persons, and also the Person or Persons intitled to the Land between the Fences on the Side of such Highway, shall respectively hold and enjoy the Land and Soil of such old Highway, and pay to the Surveyor, for the Use of the Highways, so much Money as shall be agreed upon between the Parties; or if they cannot agree, so much as shall be deemed and adjudged by the said Justices, or Jury, if such Jury shall be impanelled, as aforesaid, to be adequate to the Purchase of it, estimating such Highway at Thirty Feet in Breadth, upon an Average.

When old Footways are stopped up, and new ones laid out, in what Manner the Owners of the Lands shall make and receive Satisfaction.

And be it further enacted, That where any Footway shall be diverted by virtue of this Act through the Land belonging to the same Person who owned the Land through which such old Footway lay, the same shall be adjudged and deemed an Exchange only, and no Satisfaction or Compensation shall be made, unless the Land to be used for such new Footway shall be of greater Length, and of greater Value, than the Land used for such old Footway; and where the said Footway shall not be turned through the Lands belonging to the same Person, the Damage occasioned by such old Footway to the Lands through which it lay, if the Parties interested shall not agree in adjusting the same, shall be adjudged by Two indifferent Persons, the One to be named by the Owner of the Land, and the other by the said Two Justices; and if the Persons so to be nominated cannot agree therein, they shall chuse some Third Person to adjudge the same, whose Determination shall be final; and the Money at which such Damages shall be assessed shall be applied in making Satisfaction to the Owner or Owners of the Land through which such new Footway shall be made.

Justices to order unnecessary Highways to be stopped up.

And be it further enacted, That if in any Parish, Township, or Place, where any Highway shall be diverted and turned by virtue of this Act, it shall appear to the Justices who are hereby authorised to view or inquire into the same, that there are other Highways within such Parish, Township, or Place, besides that so to be diverted and turned,

turned, which may, without Inconvenience to the Publick, be diverted into such new Highway hereby authorised to be made, or into any other Highway or Highways within such Parish, Township, or Place, and the Charge of repairing such Highway or Highways may be thereby saved to such Parish, Township, or Place, it shall and may be lawful for such Justices to order such Highway or Highways, which shall appear to them unnecessary, to be stopped up, and the Soil thereof sold, in such Manner, and subject to such Restrictions, and such Right of Appeal to the Party or Parties aggrieved thereby, as are hereinbefore respectively directed and given concerning the Highways, to be stopped up or inclosed.

Justices, on Information of Surveyor, may order Highways, liable to be repaired by Tenure, &c. to be repaired within a limited Time;

And be it further enacted, That every Surveyor shall and may, from Time to Time, give Information upon Oath to the said Justices, or any Two or more of them, of all such Highways, and of all Bridges, Causeways, or Pavements, upon such Highways, as are out of Repair, and ought to be repaired by any Person or Persons, Bodies Politick or Corporate, by reason of any Grant, Tenure, Limitation, or Appointment, of any charitable Gift, or otherwise howsoever; and the said Justices shall limit a Time for repairing the same, of which Notice shall be given by the said Surveyor to the Occupier or Occupiers of the Lands or Tenements liable to the Burthen of such Repairs, or to such other Person or Persons, Bodies Politick or Corporate, as are chargeable with the same; and if such Repairs shall not be effectually made within the Time so limited, the said Justices shall, and are hereby required to present such Highways, Bridges, Causeways, or Pavements, so out of Repair, together with the Person or Persons, Bodies Politick or Corporate, liable to repair the same, at the next General Quarter Sessions of the Peace for the Limit wherein such Highway shall lie, and the Justices at such Quarter Sessions may, if they see just Cause, direct the Prosecution to be carried on at the general Expence of such Limit, and to be paid out of the general Rates within the same.

and if not repaired within that Time, may present them.

And be it further enacted, That every Justice of Assize, Justices of the Counties Palatine of Chester, Lancaster, and Durham, and of the Great Sessions in Wales, shall have Authority by this Statute, upon his or their own View, and every Justice of the Peace, either upon his own View, or upon Information upon Oath to him given by any Surveyor of the Highways, to make Presentment, at their respective Assizes or Great Sessions, or in the open General Quarter Sessions, of such respective Limit of any Highway, Causeway, or Bridge, not well and sufficiently repaired and amended, or of any other Default or Offence committed and done contrary to the Provision and Intent of this Statute; and that all Defects in the Repair thereof shall be presented in such Jurisdiction where the same do lie, and not elsewhere; and that no such Presentment, nor any Indictment for any such Default or Offence, shall be removed by Certiorari, or otherwise, out of such Jurisdiction, till such Indictment or Presentment be traversed, and Judgement thereupon given, except where the Duty or Obligation of repairing the said Highways, Causeways, or Bridges, may come in Question; and that every such Presentment made by any such Justice of Assize, Counties Palatine, Great Sessions, or of the Peace, upon his own View, or upon such Information having been given to such Justice of the Peace, upon the Oath of such Surveyor of the Highways, as aforesaid, shall be as good, and of the same Force, Strength, and Effect, in the Law, as if the same had been presented and found by the Oaths of Twelve Men; and that for every such Default or Offence so presented, as aforesaid, the Justices of Assize, Counties Palatine, and Great Sessions, at their respective Courts, and the Justices of the Peace, at their General Quarter Sessions, shall have Authority to assess such Fines as to them shall be thought meet: Saving to every Person and Persons that shall be affected by any such Presentment, his, her, or their lawful Traverse to the same Presentment, as well with respect to the Fact of Nonrepair as to the Duty or Obligation of repairing the said Highways, as they might have had upon any Indictment of the same, presented and found by a Grand

Justices of Assize and of the Peace, &c. to make Presentments of Highways, &c. out of Repair.

Jury; and the Justices of the Peace, at their General Quarter Sessions, or the major Part of them, may, if they see just Cause, direct the Prosecutions upon such Presentments as shall be made at the Quarter Sessions, as aforesaid, to be carried on at the general Expence of such Limit, and to be paid out of the general Rates within the same.

Justices may order what Highways shall be first repaired.

And be it further enacted, That the said Justices of the Peace, at any Special Sessions to be held by virtue of this Act, may, by Writing under their Hands and Seals, order and appoint those Highways, (not being Turnpike Road), which in their Opinion do most want Repair within their Jurisdiction, to be first amended, and at what Time, and in what Manner, the same shall be amended; according to which Order, if such there be, all and singular the respective Surveyors of the said Highways are hereby required to proceed within their respective Liberties.

Direction Posts where and how to be erected.

And, for the better Convenience of Travellers, where several Highways meet, be it further enacted, That the said Justices, at some Special Sessions to be held for the Purposes of this Act, shall issue their Precept to the Surveyor of the Highways for any Parish, Township, or Place, where several Highways meet, and there is no proper or sufficient Direction Post, or Stone, already fixed or erected, requiring him forthwith to cause to be erected or fixed, in the most convenient Place where such Ways meet, a Stone or Post, with Inscriptions thereon, in large legible Letters, painted on each Side thereof, containing the Name or Names of the next Market Town or Towns, or other considerable Place or Places, to which the said Highways respectively lead; and also at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, graduated Stones or Posts, denoting the Depth of Water in the deepest Part of the same, and likewise such Direction Posts or Stones, as the said Justices shall judge to be necessary, for the guiding of Travellers in the best and safest Track through the said Floods or Waters; and the said Surveyor shall be reimbursed the

Expences

Expences of providing and erecting the same respectively out of the Monies which shall be received by him or them, pursuant to the Directions of this Act; and in case any Surveyors shall, by the Space of Three Months after such Precept to him directed and delivered, neglect or refuse to cause such Stones or Posts to be fixed, as aforesaid, every such Offender shall forfeit the Sum of Twenty Shillings.

Materials, where and in what Manner to be taken by Surveyors;

And, for the better repairing, and keeping in Repair, the said Highways; and providing of Materials for that Purpose, be it enacted, That it shall and may be lawful to and for every Surveyor, to be appointed as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the Rubbish or Refuse Stones, of any Quarry or Quarries, lying and being within the Parish, Township, or Place, where he shall be Surveyor, (except such as shall have been got by the Surveyor of any Turnpike Road), without the Licence of the Owner or Owners of such Quarries, as they shall judge necessary, for the Amendment of the said Highways, but not to dig or get Stone in such Quarry without Leave of the Owner thereof; and also that it shall and may be lawful for every such Surveyor, for the Use aforesaid, in any waste Land or common Ground, River, or Brook, within the Parish, Township, or Place, for which he shall be Surveyor, or within any other Parish, Township, or Place, wherein Gravel, Sand, Chalk, Stone, or other Materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the Parish, Township, or Place, where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish, Township, or Place), to search for, dig, get, and carry away the same; so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of One hundred Feet above or below any Bridge, nor within the like Distance of any Dam or Wear; and likewise to gather Stones lying upon any Lands or Grounds within the Parish, Township,

Township, or Place, where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials; but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons, by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

without making Satisfaction;

but Satisfaction to be made for Damages done by carrying them away.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, relative to the gathering or getting of Stones, shall extend to any Quantity of Land, (being private Property), covered with Stones thrown up by the Sea, commonly called Beach.

Not to extend to Stones thrown up by the Sea called *Beach*.

And be it further enacted, That it shall and may be lawful for every such Surveyor, for the Use aforesaid, to search for, dig, and get Sand, Gravel, Chalk, Stone, or other Materials, if sufficient cannot conveniently be had within such waste Lands, common Grounds, Rivers, or Brooks, in and through any of the several or inclosed Lands or Grounds of any Person or Persons whomsoever, within the Parish, Township, or Place, where the same shall be wanted, or by Licence from Two Justices of the Peace, at a Special Sessions within any other Parish, Township, or Place, adjoining or lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish, Township, or Place, where such Highways lie, or in the waste Lands, or common Grounds, Rivers, or Brooks, of such adjacent Parish, Township, or Place, and that a sufficient Quantity of Materials will be left for the Use of the Parish, Township, or Place, where

If sufficient Materials cannot be found in waste Lands, *&c.*

the Surveyor may take them from several or inclosed Lands or Grounds,

the same shall be, (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation), and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways; the said Surveyor making such Satisfaction for the Damage to be done to such Lands or Grounds by the getting and carrying away the same, as shall be agreed upon between him and the Owner, Occupier, or other Person interested in such Lands or Ground respectively, in the Presence and with the Approbation of Two or more substantial Inhabitants of such Parish, Township, or Place; and in case they cannot agree, then such Satisfaction and Recompence shall be settled and ascertained by Order of One or more Justice or Justices of the Peace of the Limit where such Land or Ground shall lie: And in such Places, where, from the want of other Materials, burnt Clay may be substituted in the Place thereof, it shall and may be lawful for the Surveyor to dig Clay in such Places as he is hereby authorised to dig Chalk or Gravel, and to dry the same upon the Lands adjoining, and to burn the same upon any waste Lands or common Grounds, and to carry such Clay in such Manner as other Materials are allowed to be carried by this Act, upon making such Satisfaction for the Damages within the several inclosed Lands or Grounds where such Clay shall be placed or carried, as herein directed with regard to other Materials: Provided, that when the Owner of any such inclosed Lands shall have Occasion for any such Materials lying within the same, for the Repair of any Highway, or other Roads or Ways upon his Estate, or which he shall be under Obligation to repair, and shall give Notice to such Surveyor that he apprehends there will not be sufficient for those Purposes, and also for the Use of the publick Highways; then, and in every such Case, the Surveyor shall not be permitted to dig or take such Materials without the Consent of such Owner, or an Order of Two Justices

making Satisfaction to the Owners.

In what Manner Satisfaction is to be settled.

Clay may be got and burnt into Materials for repairing the Highways.

of the Peace, after having summoned and heard the said Owner or Occupier, or his Steward or Agent; which Justices are hereby authorised to inquire into the Nature and Circumstances of the Case, and to permit or restrain such Power, in such Manner, and under such Directions, as to them shall seem just.

Expences incurred for buying Materials, making Satisfaction for Damages, *etc.*

And whereas in some Parishes, Townships, or Places, there may not be sufficient Materials for the Repair of the Highways within the same, nor within the waste Lands, common Grounds, Rivers, or Brooks, of any other Parish, Township, or Place, lying within a convenient Distance from such Highway, by reason whereof the Surveyor of such Highway may be forced to buy such Materials, and to make Recompence and Satisfaction to the Owner or Occupier of inclosed Lands for Damage which may be done by getting and carrying thereof: And whereas no Provision is made for raising a Fund to reimburse the Expences thereof, and also such Expences as the said Surveyors may incur, by erecting Guide-posts, or other Posts or Stones, and by making or repairing such Trunks, Tunnels, Plats, Bridges, or Arches, as aforesaid, and by rendering Satisfaction for Damages done to Lands by the making of new Ditches or Drains, nor for the Salary to be paid by such Parish, Township, or Place, to such Surveyor as aforesaid; be it therefore enacted, That upon Application by such Surveyor to the Justices of the Peace, at their Special Sessions, and Oath made of the Sum or Sums of Money which he hath bona fide laid out and expended, or which will be required for the Purposes aforesaid, the said Justices, or any Two or more of them, shall, and they are hereby impowered, by Warrant under their Hands and Seals, to cause an equal Assessment to be made for the Purposes aforesaid, upon all Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within such Parish, Township, or Place, where such Money shall be so expended or laid out; and the same shall be made and collected by such Person or Persons, and allowed in such Manner, as the said Justices, by their Order at such Sessions, shall direct and appoint in that Behalf; and the Money thereby raised shall be employed and accounted for, according

on Application to Justices, at a Special Sessions, may be raised by an Assessment,

to

to the Direction of the said Justices, for the Purposes aforesaid; and the said Assessment shall be levied in such Manner as herein-after mentioned: Provided nevertheless, That no such Assessment to be made for those or any of those Purposes, in any One Year, shall exceed the Rate of Sixpence in the Pound, of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, so to be assessed. not exceeding 6 d. in the Pound.

And be it further enacted, That if any Surveyor, or Person employed by him, shall, by reason of the searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials for repairing any Highways, make, or cause to be made, any Pit or Hole in any such Lands or Grounds, Rivers or Brooks, as aforesaid, wherein such Materials shall be found, such Surveyor, Person or Persons, shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired, during such Time as the said Pit or Hole shall continue open, and shall, within Three Days after such Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials, shall be found, cause the same to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the same; and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, cause the same to be filled up, sloped down, or fenced off, and so continued; and every Surveyor shall, within Twenty Days after he shall be appointed to that Office, cause all the said Pits and Holes which shall then be open, and not likely to be further useful, to be filled up or sloped down, in Manner aforesaid; and if they are likely to be further useful, he shall secure the same by Posts and Rails, or other Fences, to prevent Accidents to Persons or Cattle; and in case such Surveyor, Person or Persons, shall neglect to fill up, slope down, or fence off, such Pit or Hole, in Manner and within the Time aforesaid, he or they shall forfeit the Sum of Ten Shillings for every such Default: And in case such Surveyor, Person or Persons, shall neglect to fence off such Pit or Hole, If Pits or Holes are made in getting Materials, the Surveyor shall cause them to be filled up or fenced off, or forfeit 10 s. for every Neglect; and for every Neglect after Notice given,

Hole, or to slope down the same, as herein-before directed, for the Space of Six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such common or waste Lands, as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Surveyor, Person or Persons, shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings, for every such Neglect; to be determined and adjudged by such Justice or Justices, and to be laid out and applied in the fencing off, filling up, or sloping down, such Pitor Hole, and toward the Repair of the Roads in the Parish, Township, or Place, where the Offence shall be committed, in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

a Sum not exceeding 10 *l.* nor less than 40 *s.*

Provided always, and be it further enacted, That no Stone, Gravel, or Materials, to be dug for the Use of any other Parish, Township, or Place, than that wherein the same are found, shall be removed or carried from the Place where they shall be so dug at any other Time than between the First Day of April and the First Day of November, or in the Time of hard Frost in the Winter Season.

Materials dug for the Use of any other Parish to be removed in Summer or hard Frost.

And be it further enacted, That if any Person shall dig, or cause to be dug, Materials for the Highways, contrary to the Direction of this Act, whereby any Bridge, Mill, Building, Dam, Highway, Ford, Mines, or Tin-works, may be damaged or endangered; every Offender therein shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of the Court or Justices before whom Complaint thereof shall be made.

Persons damaging Mills, Buildings, Dams *etc.* by digging Materials, forfeit not exceeding 5 *l.* nor less than 20 *s.*

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And

And be it further enacted, That the said Surveyor, to be appointed as aforesaid, together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within each Parish, Township, or Place, shall, at proper Seasons in every Year, use their Endeavours for the Repair of the Highways, and shall be chargeable thereunto, as followeth; that is to say, Every Person keeping a Waggon, Cart, Wain, Plough, or Tumbrel, and Three or more Horses or Beasts of Draught used to draw the same, shall be deemed to keep a Team, Draught, or Plough, and be liable to perform Statute-duty with the same, in the Parish, Township, or Place, where he resides, and shall, Six Days in every Year, (if so many Days shall be found necessary), to be computed from Michaelmas to Michaelmas, send on every Day, and at every Place, to be appointed by the Surveyor for the amending the Highways in such Parish, Township, or Place, One Wain, Cart, or Carriage, furnished after the Custom of the Country, with Oxen, Horses, or other Cattle, and all other Necessaries fit to carry Things for that Purpose, and also Two able Men with such Wain, Cart, or Carriage; which Duty so performed shall excuse every such Person from his Duty in such Parish, Township, or Place, in respect of all Lands, Tenements, Woods, Tithes, or Hereditaments, not exceeding the annual Value of Fifty Pounds, which he shall occupy therein: And every Person keeping such Team, Draught, or Plough, and occupying in the same Parish, Township, or Place, Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, over and beyond the said yearly Value of Fifty Pounds, in respect whereof such Team-duty shall be performed, and every such Person occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any other Parish, Township, or Place, besides that wherein he resides, and every other Person not keeping a Team, Draught, or Plough, but occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any Parish, Township, or Place,

Statute-duty.

in respect of keeping a Team or occupying Lands, *etc.*

shall, in like Manner respectively, and for the same Number of Days, find and send One Wain, Cart, or Carriage, furnished with not less than Three Horses, or Four Oxen and One Horse, or Two Oxen and Two Horses, and Two able Men to each Wain, Cart, or Carriage; and, in like Manner, for every Fifty Pounds per Annum respectively which every such Person shall further occupy, in any such Parish, Township, or Place respectively, such Wains, Carts, or Carriages, to be employed by the Surveyor in the repairing and amending the Highways within the Parish, Township, or Place, where such Lands, Tenements, Woods, Tithes, or Hereditaments, shall respectively lie; and every Person who shall not keep a Team, Draught, or Plough, but shall occupy Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in the Parish, Township, or Place, where he resides, or in any other Parish, Township, or Place, and every Person keeping a Team, Draught, or Plough, and occupying Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in any other Parish, Township, or Place, than that wherein he resides, shall respectively contribute to the Repair of the Highways, and pay to the Surveyor of such Parish, Township, or Place respectively, in lieu of such Duty, the Sums following; videlicet, For every Twenty Shillings of the annual Value of such Lands, Tenements, Woods, Tithes, or Hereditaments respectively, the Sum of One Penny for every Day's Statute-duty which shall be required and called for by the Surveyor of such Parish, Township, or Place respectively, in every Year, not exceeding Six Days Duty in the Whole, as aforesaid; and every such Person respectively shall, in like Manner, pay the Sum of One Penny for every Twenty Shillings of the annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in any such Parish, Township, or Place respectively, above the annual Value of Fifty Pounds, and less than One hundred Pounds, and so for every Twenty Shillings that each progressive and intermediate

Contribution in Money.

annual Value of Twenty Shillings, of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall so occupy, shall fall short of the further Increase of Fifty Pounds, in every Parish, Township, or Place, where such Lands, Tenements, Woods, Tithes, and Hereditaments, shall respectively lie, for every Day's Statute-duty so to be required as aforesaid; which said several Sums shall be considered as Compositions, and shall be paid to the Surveyor of the Parish, Township, or Place, in which they are charged, for the Use of the Highways therein, at the Time such Compositions are to be paid under the Authority of this Act, or within Ten Days after; or, in Default of such Payments, such Money shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, in such Manner as the Forfeitures for the Neglect in performing the Statute-duty are hereby authorised to be levied and raised: Provided, that no Person keeping such Team, Draught, or Plough, and performing Duty with the same, as aforesaid, in the Parish, Township, or Place, where he resides, and not occupying Lands, Tenements, Woods, Tithes, or Hereditaments, within the same, of the yearly Value of Thirty Pounds, shall be obliged to send more than One Labourer with such Team, Draught, or Plough.

How these Contributions in Money are to be recovered.

And be it further enacted, That every Person who shall not keep a Team, Draught, or Plough, but shall keep One or more Cart or Carts, and One or Two Horses or Beasts of Draught only, used to draw in each of such Carts upon the Highways, shall be obliged to perform his Statute-duty for the like Number of Days with such Cart or Carts, and Horse or Horses, or Beasts of Draught, and One Labourer to attend each Cart, or to pay for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy, according to the Rate aforesaid, at the Option of the Surveyor; and every Person who shall keep a Coach, Post-chaise, Chair, or other Wheel-carriage, and not keep a Team, Draught, or Plough, nor occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Fifty Pounds,

The Duty required from Persons who do not keep a Team, but keep One or Two Horses used to draw,

or who keep a Coach, Post-chaise, &c.

Pounds, in the Parish, Township, or Place, where he shall reside, shall pay to the Surveyor One Shilling in respect of every such Day's Statute-duty, for every Horse which he shall draw in any such Carriage, or shall pay according to the Value of the Lands, Tenements, or Hereditaments, which he shall occupy, according to the Rate aforesaid, at the Option of the Surveyor; and also every Man inhabiting in any Parish, Township, or Place, and being of the Age of Eighteen, and under the Age of Sixty Years, not chargeable in any of the Respects aforesaid for Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Four Pounds, or upwards, and not being bona fide an Apprentice or menial Servant, not having performed the said Duty, or paid the Composition for the same, in any other Parish, Township, or Place, for that Year, shall, by themselves, or One sufficient Labourer for every of them, upon every of the said Days on which they shall be called forth by the said Surveyor, together with the said other Labourers, work and labour in the Amendment of the said Highways, as they shall be directed by such Surveyor; and if the said Teams, Draughts, or Ploughs, or any of them, shall not be thought needful by the Surveyor, on any of the said Days, then every such Person who should have sent any such Team, Draught, or Plough, according to the Directions aforesaid, shall, according to the Notice to be given, as herein-after directed, send unto the said Work, for every One so spared, Three able Men, there to labour as aforesaid, or to pay to the said Surveyor the Sum of Four Shillings and Sixpence in lieu thereof; and all such Persons as aforesaid shall respectively have and bring with them such Shovels, Spades, Picks, Mattocks, and other Tools and Instruments as are useful and proper for the Purposes aforesaid; and all the said Persons and Carriages shall diligently perform the Work and Labour to which they shall be appointed by such Surveyor for Eight Hours in every of the said Days, within such Parish, Township, or Place, or in getting and carrying Materials in and from any other Parish, Township, or Place, to be employed in the Repair of the Highways

Personal Labour required from Inhabitants or those who occupy less than 4*l.* *per Annum.*

Three Men to be sent in lieu of a Team, if required,

or 4*s.* 6*d.* in Money.

During what Hours, and under what Regulation, the Duty shall be performed.

of

of the Parish, Township, or Place, for which they shall be required to perform such Duty and Labour as aforesaid: And if any Person sending a Team, as aforesaid, shall not send a sufficient Labourer besides the Driver, (except as herein-before mentioned); or if any such Labourer, or Driver, or any other Labourer, or the Driver of any Cart, required by this Act to perform Statute-duty as aforesaid, shall refuse to work and labour, during the Time above mentioned, according to the Direction of the Surveyor; or if any Driver shall refuse to carry proper and sufficient Loads; it shall and may be lawful for such Surveyor to discharge every such Team, Cart, or Labourer, and to recover from the Owner of every such Team or Cart the Forfeiture which every such Person or Persons would have incurred by virtue of this Act, in case no such Team, Cart, or Labourer respectively had been sent.

The Surveyor may call for Part of a Team where he thinks ceſſary.

And be it further enacted, That it shall and may be lawful for the Surveyor, where the Employment for Teams is of such Sort that Two Horses will be sufficient for One Cart, or where a Stand Cart with One Horse shall be necessary, to call upon any Person liable to send a Team, Draught, or Plough, by virtue of this Act, who keeps One or more Cart or Carts, and Three or more Horses, to send such Cart or Carts, Horse or Horses, to perform his Statute-duty, as the Surveyor shall find most convenient, and shall direct; and the Surveyor shall allow every such Stand Cart and One Horse as half a Team, and every Cart and Two Horses as Two-thirds of a Team; and if a Waggon shall be found necessary for any particular Business, the Surveyor may require the Duty, or any Part thereof, to be performed with such Waggon, by any Person who keeps One; which Directions of the Surveyor shall be observed, or the Person liable to perform such Duty shall forfeit such Sum as the Duty so required of him shall bear, in proportion to the Forfeiture hereby inflicted for every Neglect in performing Duty with a Team, Draught, or Plough.

What Notice to be given for performing the Duty.

And be it further enacted, That every such Surveyor shall, from Time to Time, give to, or cause to be left at the House, or usual Place of Abode of every Person or Persons so liable to perform such Duty or Labour, as in this Act directed, Four Days Notice at the least of the Day, Hour, and Place, upon which each of the said Day's Duty shall be required to be performed; and every Person or Persons making Default in finding and sending each Wain, Cart, or Carriage, furnished as aforesaid, and such able Men with the same, as herein required, or in performing the said Duty at the Time and Place, and in the Manner, by this Act directed, shall, for every such Default or Neglect in sending such Wain, Cart, or Carriage, with such Men as aforesaid, forfeit the Sum of Ten Shillings; and for every Default in sending every Cart with One Horse and One Man, Three Shillings; and for not sending every Cart with Two Horses and One Man, Five Shillings: And every Person or Persons making Default in sending any such Labourer, and every Person making Default in performing such Labour at the Time and Place, and in the Manner, directed by this Act, or in paying such Composition-money for the same, as herein mentioned, shall, for every such Neglect, forfeit the Sum of One Shilling and Sixpence; all which Forfeitures shall be applied for the Use of the Highways within the Parish, Township, or Place, where the same shall arise; and the said Surveyor shall fairly and equally demand and require such Duty and Labour from every Person or Persons liable to perform the same according to the Directions of this Act, without Favour or Partiality to any Person or Persons whomsoever: And if in any Parish, Township, or Place, it shall not be necessary to call forth the whole Duty in any Year, it shall be abated in a just and equal Proportion amongst all Persons liable to the same; and the said Surveyor may and shall, and he is hereby required, with all convenient Speed, after Default made in Performance of such Duty or Labour as aforesaid, to proceed for the Recovery of the Penalties or Forfeitures hereby inflicted for the same respectively, in Manner herein-

Forfeitures for every Default or Neglect.

Application of the Forfeitures.

The Surveyor to call forth the Duty fairly and equally.

herein-after directed, so that the same may be recovered before he makes up his Accounts in the Manner directed by this Act.

Persons may compound for Statute-work.

Provided always, and be it further enacted, That any Person or Persons liable to perform the said Duty, by sending One or more Team or Teams, Draught or Draughts, Plough or Ploughs, with Men, Horses, or Oxen, in Manner aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said Surveyor, at the Time, and in the Manner, herein-after mentioned, such Sum or Sums of Money as the Justices of the Peace for the Limit wherein such Parish, Township, or Place, shall be, or the major Part of them, at their said Special Sessions, to be held in the First Week after Michaelmas Quarter Sessions in every Year, shall adjudge and declare to be reasonable, not exceeding Six Shillings, nor less than Three Shillings, for each Team, Draught, or Plough, for each Day; and in Default of their adjudging and declaring the same, the Sum of Four Shillings and Sixpence for and in lieu of every such Day's Duty for each Team, Draught, or Plough; and for every Cart and One Horse or Beast of Draught, Two Shillings; and for every Cart with Two Horses or Beasts of Draught, Three Shillings, for and in lieu of every Day's Duty; and every Inhabitant liable to perform such Duty or Labour, as aforesaid, and not chargeable in any other Respect, as aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the Surveyor the Sum of Four-pence for and in lieu of every such Day's Duty or Labour respectively, at the Time, and in the Manner herein-after directed for the Payment of Composition-money.

Compositions fixed.

Justices may direct the Performance of Team Duty or Labour in Kind in any particular Parish, &c. where they find extravagant Prices required.

Provided always, and be it further enacted, That if it shall appear to the Justices, at their Special Sessions, to be held in the Week next after Michaelmas Quarter Sessions, that, from the Directions herein before given for the performing and compounding the Statute-duty, there will be difficulty in procuring the necessary Carriage, or a sufficient Number of Labourers for the Repair of the Highways, in any particular Parish, Township,

Ship, or Place, within their respective Limits, without paying high and extravagant Prices for the same, it shall and may be lawful for such Justices to order and direct the Team-duty hereby required, or so much thereof as they shall think fit, to be performed in Kind, within every such Parish, Township, or Place, except in respect of such Teams as belong to Persons who do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Thirty Pounds within the same; and also to order the Labourers, liable by this Act to perform or compound for Statute-duty, or such Part of them as they shall think fit, to perform Six Days Labour upon such Highways in Kind, in case so many Days Duty shall be required, upon being paid for such Labour the usual and customary Wages given to Labourers in such Parish, Township, or Place, deducting thereout the Sum of Four-pence for each Day's Duty so performed, being the Composition hereby allowed for Labourers: Provided that if a Part of such Teams or Labourers only are required it shall be directed by the said Order of the Justices in some given Proportion, as One Half, Third and Fourth, Part thereof; and the Surveyor shall, in that Case, at a publick Vestry for such Parish, Township, or Place, put the Names of all the Persons liable by this Act to send such Teams into One Hat or Box, and the Names of all the Persons liable to perform such Labour into another Hat or Box, and some Inhabitant there present shall draw out such Number from each as shall be equal to the Proportion so ordered by the said Justices, and the Persons so drawn shall perform such Duty in Kind for that Year; and that if any such Order shall be made or continued in the subsequent Year, the same Method shall be observed, but the Names drawn in the preceding Year shall not be put into such Hat or Box; and in every succeeding Year such Method and Regulation shall be observed by such Surveyor, as to render the Duty so required to be performed in Kind as equal amongst the several Persons liable thereto as may be: Which Order of the said Justices, so far as the same shall be extended, shall supersede the said Power or Liberty of compounding,

on

compounding, and shall be binding and effectual, to all Intents and Purposes whatsoever, and shall continue in Force until it shall be discharged or varied by the Justices at some subsequent Special Sessions for the Highways within such Limit, to be held in the Week next after Michaelmas Quarter Sessions; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

Justices may mitigate the Composition, where a Person maintains his Team partly from Lands in another Parish.

Provided always, and be it further enacted, That if any Person or Persons who shall keep a Team, Draught, or Plough, and shall not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, to the Value of Thirty Pounds per Annum, in the Parish, Township, or Place, where he shall reside, but shall in Part maintain his Horses and Beasts of Draught used in such Team upon or from Lands which he shall occupy in One or more adjacent Parish or Parishes, it shall and may be lawful for the said Justices, at some Special Sessions, to mitigate and reduce the Duty or Composition so required to be performed or paid by such Person or Persons, in such Manner, and to such Sum, as they shall think just and reasonable.

Surveyors to give Notice of the Time and Place for compounding.

Provided also, and be it further enacted, That the said Surveyor of every Parish, Township, or Place, shall, on some Sunday in November in every Year, cause Ten Days Notice at the least to be given in the Church or Chapel of such Parish, Township, or Place, and if there be no Church or Chapel, or no Service performed therein, then at the most publick Place there, and repeat the like Notice in such Church, Chapel, or Place, on the next succeeding Sunday, of the Time and Place when and where the Persons permitted under the Authority of this Act, and inclined to compound for the said Duty, in Manner aforesaid, may signify to such Surveyor their Intention to compound; and all and every Person or Persons signifying the same, who shall then, or within the Space of One Calendar Month afterwards, pay to such Surveyor the Composition authorized and allowed by this Act, shall be discharged from the Performance of such Duty, which Composition-money shall be employed by the Surveyor for the Use of the Highways; and that

How the Composition-money shall be paid and employed.

no Composition shall be permitted, unless the same shall be paid at the Day, or within the Time aforesaid; but in Cases where the Occupation of any Lands, Tenements, Woods, Tithes, or Hereditaments, shall be changed, or any new Occupant or Inhabitant shall come to reside in such Parish, Township, or Place, after the Time appointed for such Composition, then the Person or Persons occupying such Lands, Tenements, Woods, Tithes, or Hereditaments, or so residing in such Parish, Township, or Place, shall be allowed to compound in Manner aforesaid: Provided he, she, or they, shall pay the said Composition-money to the said Surveyor within Fourteen Days after he, she, or they, shall enter upon such Lands, Tenements, or Hereditaments, or shall come to reside in such Parish, Township, or Place; and every Tenant or Occupier of any Lands, Tenements, Woods, Tithes, or Hereditaments, who intends to quit the Possession thereof within Six Calendar Months from the Time fixed for making such Composition, shall and may compound for Half the Duty hereby required, and the succeeding Tenant or Occupier shall and may, in that Case, compound or perform the Duty in Kind for the other Half thereof; and if the Surveyor shall receive from any Person or Persons a Composition for more Duty than shall be required from the other Inhabitants and Occupiers within the same Parish, Township, or Place, for the same Year, he shall repay such extraordinary Composition-money to such Person or Persons, so as to bring the Duty to an Equality amongst all such Inhabitants and Occupiers.

Persons keeping a Draught or Plough, and no Carriage, to pay for the Horses or Oxen drawing them.

Provided always, and be it further enacted, That in every Parish, Township, or Place, where any Person shall keep a Draught or Plough, and no Carriage, he shall pay to the Surveyor the Sum of One Shilling for every Horse, or Pair of Oxen or Neat Cattle, used in such Draught or Plough, for every Day's Statute-duty on the Day such Duty is required to be performed, or pay according to the Rate aforesaid for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in such Parish, Township, or Place, at the Option of the Surveyor.

And,

And, in order to prevent as much as possible any Inconvenience to the Persons liable to perform Statute-duty, be it enacted, That it shall and may be lawful for the Inhabitants of every Parish, Township, or Place, at some Vestry, or other publick Meeting or Meetings to be held pursuant to this Act, to appoint Three Months in every Year, within which no Statute-duty shall be performed; videlicet, One Month in the Spring, to be called The Seed Month; One Month in the Summer, for the Hay Harvest; and One other Month in the Summer, for the Corn Harvest: Provided, that Notice, in Writing, be given of the Times so appointed to the Surveyor of such Parish, Township, or Place respectively, and also to the Surveyor of every Turnpike Road lying within the same, within Three Days after every such Meeting, and Fourteen Days at least before the Beginning of each of such Months. Inhabitants may fix certain Times when the Statute-duty shall not be called forth.

And whereas, by several Acts of Parliament concerning Turnpike Roads, a certain Part of the Duty called Statute-duty is or may be directed to be performed on such Roads, and it may happen in some Places, that the several Persons liable thereto may have compounded for the same; be it therefore further enacted, That in all such Cases, the Surveyor of the Highways of the Parish, Township, or Place, where such Composition shall have been made, shall pay to the Treasurer or Surveyor of such Turnpike Roads a certain Part of the Composition-money so received, to be proportioned according to the Number of Days Duty which such Person or Persons was or were liable to perform on such Turnpike Road; which Money shall be laid out and expended on such Part of the said Turnpike Road as lies within the Parish, Township, or Place, from which it was received, and not elsewhere; and if such Surveyor of the Highways shall refuse or neglect to pay to the Treasurer or Surveyor of such Turnpike Road such Part of the said Composition-money so received by him, within Twenty Days after he shall have received the same, upon Demand made by such Treasurer or Surveyor, the same shall and may be levied upon the Goods and Chattels of such Surveyor, Where the Surveyor receives Composition-money due to the Turnpike Roads, he shall pay it to the Treasurer. to be laid out for the Use of the Turnpike Road within the Parish, &c. where it is collected.

in such Manner as Penalties and Forfeitures are by this Act authorised to be levied.

If the Duty and the Money before authorised to be raised shall not be sufficient, the Justices may order an Assessment:

And be it further enacted, That if upon Application of the Surveyor of the Highways for any Parish, Townships, or Place, to the Justices of the Peace for the Limit wherein such Parish, Township, or Place, lieth, at their General or Quarter Sessions of the Peace, or at some Special Sessions for the Highways, the said Justices shall be fully satisfied, by Proof upon Oath, that the Duty hereby directed to be performed, and the Money hereby authorised to be collected and received, has been performed, applied, and expended, according to the Directions of this Act, or shall be fully satisfied that the common Highways, Bridges, Causeways, Streets, or Pavements, belonging to such Parish, Township, or Place, are so far out of Order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported, by the Means herein-before prescribed, (Notice being first given of such intended Application at the Church or Chapel of such Parish, Township, or Place, on some Sunday preceding such Quarter or Special Sessions, or if the Place be extraparochial, Notice, in Writing, being first given of such intended Application to some of the principal Inhabitants residing in such extraparochial Place, a Week at least before such General or Special Sessions); that then, and in any of the said Cases, an equal Assessment upon all and every the Occupier of Lands, Tenements, Woods, Tithes, and Hereditaments, within any such Parish, Township, or Place, shall or may be made and collected by such Person and Persons, and allowed in such Manner, as the said Justices, by their Order, at such General or Special Sessions, shall direct and appoint in that Behalf; and the Money thereby raised shall be employed and accounted for, according to the Orders and Directions of the said Justices, for and towards the amending, repairing, paving, cleansing, and supporting, such Highways, Causeways, Streets, Pavements, and Bridges, from Time to Time, as Need shall require.

Provided nevertheless, That the Assessment herein last before authorized, and the Assessment herein-before authorized, for buying Materials, making Satisfaction for Damages, erecting Guide-posts, and paying the Surveyor's Salary, shall not together, in any One Year, exceed the Rate of Nine-pence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, so to be assessed.

But such Assessment, with the other, for buying Materials, &c. not to exceed 9 d. in the Pound in any One Year.

And be it further enacted, That no Fine, Issue, Penalty, or Forfeiture, for not repairing the Highways, or not appearing to any Indictment or Presentment for not repairing the same, shall hereafter be returned into the Court of Exchequer, or other Court, but shall be levied by and paid into the Hands of such Person or Persons residing in or near the Parish, Township, or Place, where the Road shall lie, as the Court imposing such Fines, Issues, Penalties, or Forfeitures, shall order and direct, to be applied towards the Repair and Amendment of such Highways; and the Person or Persons so ordered to receive such Fine shall, and is hereby required, to receive, apply, and account for the same, according to the Direction of such Court, or in Default thereof, shall forfeit Double the Sum received; and if any Fine, Issue, Penalty, or Forfeiture, to be imposed on any such Parish, Township, or Place, for not repairing the Highways, or not appearing as aforesaid, shall hereafter be levied on any One or more of the Inhabitants of such Parish, Township, or Place, that then such Inhabitant or Inhabitants shall and may make his or their Complaint to the Justices of the Peace, at their Special Sessions; and the said Justices are hereby impowered and authorized, by Warrant under their Hands and Seals, to cause a Rate to be made, according to the Form and Manner herein-last before prescribed, for the reimbursing such Inhabitant or Inhabitants the Monies so levied on him or them as aforesaid; which Rate, so made, and confirmed by any Two Justices, shall be collected and levied by the Surveyor of the Highways of such Parish, Township, or Place, so presented or indicted, as aforesaid; and the said Surveyor shall, within One Month next after the making and confirming the Rate aforesaid,

Fines, Penalties, and Forfeitures, how to be levied and applied.

collect, levy, and pay unto such Inhabitant or Inhabitants the Money so levied on him or them as aforesaid.

The Surveyor's Duty is to keep Books, and enter the Accounts of all Money paid and received;

And be it further enacted, That the Surveyor of the Highways for every Parish, Township, or Place, shall carefully and diligently collect, or cause to be collected, the several Assessments, Forfeitures, Penalties, Sums of Money, and Compositions, directed and allowed to be received and taken within the same by virtue of this Act, within the Year for which he is appointed Surveyor, and shall keep One or more Book or Books, in which he shall fairly enter a just, true, and fair Account of all such Money as shall have come to his hands, or to the Hands of the said Assistant, in respect of such Parish, Township, or Place, by virtue and for the Purposes of this Act, and to whom, and on what Occasion, he shall have paid or applied the same; and shall also enter in such Book or Books a List or Lists of all such Sums of Money as shall then remain due and owing from any Person or Persons, in respect of the Payments, Compositions, Assessments, Penalties, or Forfeitures, to be collected, received, or taken, for and in respect of the said Highways, by virtue of this Act; and the said Surveyor shall also enter in the said Book or Books an Account of all Tools, Materials, Implements, and other Things provided, or to be provided, by Order of the Inhabitants, at a Vestry or other publick Meeting for the Repair of the said Highways, at the publick Expence of such Parish, Township, or Place; and shall produce such Books, and the Assessments made within that Year for the Purposes of this Act, unto the Inhabitants of the Parish, Township, or Place, to which they belong, at a Vestry or other publick Meeting to be held for that Purpose, within Fifteen Days before the said Special Sessions so to be held in the Week next after Michaelmas Quarter Sessions, as aforesaid, to the Intent that the said Accounts, Assessments, and Lists, may be inspected by the Inhabitants of such Parish, Township, or Place respectively; and every such Surveyor shall, after the said Books and Assessments shall

and also of all Money remaining due;

also of all Tools, Materials, &c.

and shall produce his Accounts at a Vestry Meeting.

and afterwards before a Justice of Peace, who may allow them;

have

have been produced at such Meeting take the same to such Justice of the Peace for the Limit wherein such Parish, Township, or Place, doth lie, and on such Day, and at such Hour, as shall be agreed upon at such Meeting, some Day after the said Meeting of the Inhabitants, and before such last-mentioned Special Sessions, and then and there verify such Account, or any Part thereof, upon Oath, if required; and such Justice may allow such Account, if he finds it just, or postpone it until such Special Sessions, if he finds Cause for so doing, in which Case it may be settled and allowed at such Special Sessions, after the Parts objected to by such Justice shall have been explained and verified by proper Evidence, to the Satisfaction of the Justices at such Special Sessions; and in case any Articles contained in such Accounts shall not be explained and proved to the Satisfaction of such Justices, they may disallow the same; and whenever the said Accounts shall be so settled and allowed, or disallowed, as aforesaid, all such Books and Assessments shall be transmitted to the Churchwarden or Overseer of the Poor for such Parish, Township, or Place respectively, or, if the Place be extraparochial, then to some principal Inhabitant thereof, to be kept for the Use of such Parish, Township, or Place; and the said Surveyor shall forthwith deliver a Duplicate of such Book and Account, together with all Sums of Money as shall remain in his Hands, and likewise all Tools, Materials, Implements, and other Things, as aforesaid, to the succeeding Surveyor for such Parish, Township, or Place, in case any new Surveyor shall be appointed, or retain the same in his Hands, and account for them in his next Account, if he shall be continued Surveyor for such Parish, Township, or Place, in the succeeding Year; and it shall and may be lawful for the succeeding Surveyor, and he is hereby authorised and required, to recover, collect, and receive, all such Sums of Money which shall be due and owing as aforesaid, by all such Ways and Means, as fully and effectually, to all Intents and Purposes, as the preceding Surveyor could, might, or ought to have recovered, collected, or received the same: And in case such

or they may be further examined and allowed, or disallowed, at the Special Sessions.

Books, Materials, Tools, &c. to be delivered to the succeeding Surveyor.

New Surveyor authorised to collect the Arrears, &c.

The Surveyor liable to Forfeitures for Neglect of Duty.

such Surveyor shall neglect to provide such Book or Books, or to enter such respective Accounts and Lists therein, or to deliver the said Book or Books, and such Duplicate thereof, and such Assessments, Tools, Materials, Implements, and other Things, in Manner aforesaid, he shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings; and in case he shall make Default in the paying or accounting for the Money so remaining in his Hands, within the Time, and according to the Directions aforesaid, he shall forfeit Double the Value of the Money which shall be adjudged by the said Justices to be in his Hands; and in case any such Surveyor shall die before such respective Accounts and Lists shall be made out of such Monies, Books, Assessments, Tools, Materials, and Implements, shall be so delivered and paid, or the Executors or Administrators of such Surveyor shall make out, pay, and deliver the same, in like Manner, and under the like Penalty, as such Surveyor is hereby required and made subject and liable to; and every Surveyor shall pay to the Justices Clerks, for the Appointment and Charge, the Sum of One Shilling; for the Bond Sixpence; and for the Account so to be examined and taken, and for the Oath so to be administered, the Sum of One Shilling, and no more; and if any Person or Persons shall receive any greater Sum or Fee for the Business aforesaid than herein-before mentioned, he shall forfeit the Sum of Ten Pounds for every Offence.

If Surveyor dies, his Executors, &c. shall account in the same Manner.

Fees to be paid to the Justices Clerks.

Surveyor may contract for getting and carrying Materials, at a publick Meeting.

And be it further enacted, That in every Parish, Township, or Place, where a sufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required by this Act to perform Statute-duty within such Parish, Township, or Place, the said Surveyor shall, and is hereby required to contract for the getting and carrying thereof, (in the Presence of the said Assistant, if any such shall be appointed), at a Meeting to be held for that Purpose, of which Ten Days Notice in Writing shall be given, by fixing the same upon the Door of the Church or Chapel of such Parish, Township, or Place,

Place, or if there be no Church or Chapel, at the most publick Place there; which Notice shall specify the Work to be done, and the Time and Place for letting thereof; and if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any such Contract, or in any other Contract or Bargain for Work or Materials to be made, done, or provided, upon, for, or on account of any of the Highways, Roads, Bridges, or other Works whatsoever, under his Care or Management, or shall, upon his own Account, directly or indirectly, let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials, to be used or employed in making or repairing such Roads, Bridges, or other Works, as aforesaid, (unless a Licence, in Writing, for the Sale of any such Materials, or to let to hire any such Team, be first obtained from some Justice of the Peace within that Limit), he shall forfeit, for every such Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary, under the Authority of this Act.

If the Surveyor has a Share in any Contract,

or shall let to hire any Team, or sell or dispose of any Timber, Stones, &c. without Licence from a Justice of Peace, he shall forfeit 10 *l.* and be incapable of being Surveyor with a Salary.

And be it further enacted, That if any Surveyor of the Highways, after his Acceptance of the said Office, shall neglect his Duty in any Thing required of him by this Act, for which no particular Penalty is imposed, he shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, nor less than Ten Shillings, at the Discretion of the Justice or Justices having Jurisdiction therein.

Surveyor, for every Neglect of Duty, shall forfeit 5 *l.* when no particular Penalty is imposed.

And be it further enacted, That where any Lands have been, or shall be given, for the Maintenance of Causeways, Pavements, Highways, and Bridges, all such Persons who are, or shall be enfeoffed or trusted with any such Lands, shall let them to farm at the most improved yearly Value, without Fine; and that the Justices of the Peace, in their open Sessions, shall and may inquire, by such Ways and Means as they shall think fitting, into the Value of all such Lands so given, or to be given, and order the Improvement and Employment of the Rents and Profits thereof according to the

Persons enfeoffed with Lands for the Maintenance of Causeways, Highways, and Bridges, shall let them to farm at the most improved Value.

Will and Direction of the Donor of such Lands, or they find that the Persons so intrusted have been negligent or faulty in the Performance of Trust, (except such Lands have been given for the Uses aforesaid to any College or Hall in either of the Universities of this Kingdom, which have Visitors of their own); any Law, Statute, Usage, or Custom, to the Contrary notwithstanding.

Penalty on Persons damaging Banks, Causeways, Direction Posts, Mile Stones, Battlements of Bridges, &c.

And whereas in some Places it hath been and may be found necessary, and the Surveyors are hereby authorised and required, to secure Horse Causeways and Foot Causeways, by Posts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth cast up, or otherwise, from being broken up and spoiled with Waggons, Wains, Carts, or Carriages; and forasmuch as several evil-disposed Persons do or may wilfully or wantonly pull up, cut down, and remove or damage the said Posts, Blocks, and great Stones, so fixed, or to be fixed, as aforesaid, and drive Carriages upon such Banks and Causeways, or against the Sides thereof, and also dig or cast down the said Banks, which are the Securities and Defence of the said Causeways, whereby the Causeways or Banks are often ruined and destroyed; and such evil-disposed Persons do or may break, damage, or throw down the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and do or may pull down, destroy, obliterate, or deface, any Mile Stone or Post, Graduated or Direction Post or Stone, erected or to be erected upon any Highway: For Prevention thereof, be it enacted, That every Person who shall be guilty of any such Offence, shall, upon Complaint thereof made to any Justice of the Peace of the Limit where the same shall be proved to be done, by the Oath of any One credible Witness, or upon View of the Justice himself, forfeit for every of the said Offences any Sum not exceeding Five Pounds, nor less than Ten Shillings; and in Default of Payment thereof, shall be committed to the House of Correction of such Limit, there to be whipped, and kept to hard Labour for any Time not exceeding One Calendar Month, nor

not less than Seven Days, at the Discretion of such Justice.

Justices of Cities, &c. to put the Act into Execution.

And be it further enacted, That the Justices of the Peace of all Cities, Corporations, Boroughs, and other Places, are hereby required to put in Execution every Part of this Act within their respective Jurisdictions.

Justices of Cities or Boroughs not to allow Salaries to Surveyors

Provided always, and be it further enacted, That nothing in this Act contained shall authorise or impower, or be deemed, construed, or taken to authorise and impower, any Justice or Justices of the Peace, for any City, Town Corporate, or Borough, to fix or allow any Salary to or for any Surveyor to be appointed by any such Justice or Justices, other than and except such Salary as shall be settled and agreed upon by Two Parts out of Three of the Persons assembled in the Parish, Township, or Place, within such City, Town Corporate, or Borough, for which such Surveyor shall be appointed, pursuant to the Directions of this Act.

except such as shall be agreed upon at the Meeting of the Householders.

Limitation of the Number of Horses for the Waggons and Carts with different Wheels.

And whereas the Highways not being Turnpike Roads, are much prejudiced by the Narrowness of the Wheels of the several Carriages travelling thereon, and by the excessive Burthens loaded in such Carriages; be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, shall go or be drawn with more than Eight Horses; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, shall go or be drawn with more than Five Horses; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, shall go or be drawn with more than Seven Horses; and that no such Waggon rolling a Surface of Six Inches only, shall go or be drawn with more than Six Horses; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, shall go or be drawn with more than Four Horses; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, shall go or be drawn with more than

Five

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Five Horses; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, shall go or be drawn with more than Three Horses upon such Highways, under the Pains, Penalties, and Forfeitures herein-after mentioned; (that is to say), That the Owner of such Waggon or Cart respectively shall forfeit the Sum of Five Pounds, and the Driver not being the Owner, the Sum of Ten Shillings, for every Horse or Beast which shall be so drawing above the Number hereby so respectively limited as aforesaid, to the sole Use and Benefit of the Informer: but Carriages moving upon Wheels or Rollers of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horses, or other Cattle.

The Owner offending forfeits 5*l.* and the Driver 10*s.* for every Horse above the Number allowed.

Sixteen Inch Rollers not restrained in the Number of Horses.

Provided always, and be it enacted, That no Prosecution shall be commenced before a Justice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage, having a greater Number of Horses therein than are allowed by this Act, unless such Information be laid within Three Days after the Offence committed; and that no Action shall be commenced for any such Offence, unless the same be commenced within One Calendar Month after the Offence committed; and that neither such Information or Action shall be laid or commenced, unless Notice shall be given by the Informer to the Driver of every such Carriage, on the Day upon which the Offence shall be committed, of an Intention to complain of such Offence: and if it shall appear to the Justice before whom such Complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss the Complaint, and leave the Informer to his Remedy by Action at Law.

Prosecutions for such additional Number of Horses, how and in what Manner to be carried on.

Provided always, and be it further enacted, That it shall and may be lawful for the Justices of the Peace, at their respective General Quarter Sessions of the Peace, to be held in the Week after Michaelmas, to license in such Manner, and for such Time as they shall think fit, an

Justices of Peace, at their *Michaelmas* Quarter Sessions, may license an Increase of the Number of Horses.

Increase

Increaſe of the Number of Horſes to be drawn in Carriages up any ſteep Hill, or on any Road not Turnpike, within their reſpective Juriſdictions, over and above the Number herein-before limited, if, upon Inquiry into the State and Condition of ſuch Roads, they ſhall find any additional Number of Horſes neceſſary; and, from Time to Time, at any Michaelmas Quarter Seſſions, to revoke, alter, or vary the ſame, as they ſhall think fit.

Juſtices may ſtop Proceedings for Forfeiture in reſpect of additional Horſes, when, from Ice or deep Snow, they were neceſſary.

Provided always, and be it further enacted, That if it ſhall appear upon the Oaths of credible Witneſſes, to the Satisfaction of any Juſtice or Juſtices of the Peace, or of any Court of Juſtice authoriſed to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reaſon of deep Snow or Ice, be drawn by the Number of Horſes or Beaſts of Draught hereby reſpectively allowed; then, and in every ſuch Caſe, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, or Court reſpectively, and they are hereby reſpectively required, to ſtop all Proceedings before them reſpectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horſes, or Beaſts of Draught, than are hereby allowed; any Thing herein contained to the Contrary notwithſtanding: Provided alſo, That the Regulations herein-before mentioned, concerning the Number of Horſes, and Wheels of Carriages, ſhall not be deemed or conſtrued to extend to Carts, Waggons, or other Carriages, employed only in carrying any One Stone, Block of Marble, Cable Rope, or Piece of Metal, or Piece of Timber, or to ſuch Ammunition or Artillery as ſhall be for his Majeſty's Service; and that Two Oxen or Horned Cattle ſhall, for all the Purpoſes of this Act, be conſidered as One Horſe.

Carriages excepted out of this Act.

Two Oxen to be conſidered as One Horſe.

And, for the better Diſcovery of Offenders againſt this preſent Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and alſo of every Coach, Poſt Chaiſe, or other Carriage let to Hire, ſhall paint, or cauſe to be painted, upon ſome conſpicuous Part of

The Owner's Name, &c. to be painted on all Waggons and Carts, and alſo on Coaches, Poſt Chaiſes, &c. let to Hire.

his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any publick Highway, his or her Christian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage, shall be used upon any such Highway; and the Owner of every Common Stage Waggon or Cart, employed as Travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint, or cause to be painted, on the Part, and in the Manner aforesaid, the following Words, Common Stage Waggon, or Cart, as the Case may be; and every Person using any such Carriage as aforesaid upon any Highway, without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint, or cause to be painted, any false or fictitious Name or Place of Abode, on such Waggon, Wain, Cart, Coach, Post Chaise, or other Carriage, shall forfeit, for every such Offence, a Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Drivers of Carriages punishable for Misbehaviour or Negligence, in order to prevent Accidents.

And whereas many bad Accidents happen, and great Mischiefs are frequently done upon the Streets and Highways, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore further enacted, That if the Driver of any Cart, Car, Dray, or Waggon, shall ride upon any such Carriage in any Street or Highway, not having some other Person on Foot, or on Horseback, to guide the same, (such Carriages as are conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever on any Part of any Street or Highway shall, by Negligence, or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon such Street or Highway, or shall quit the Highway, and go on the other Side the Hedge or Fence inclosing the same; or wilfully be at such Distance from such Carriage, whilst it shall be passing upon such Highway, that he

he cannot have the Direction and Government of the Horses or Cattle drawing the same; or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of His Majesty's Subjects, on the said Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make Way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive, or act as the Driver, of any such Coach, Post Chaise, or other Carriage, let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as before required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner of such respective Carriages; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, shall, for every such Offence, forfeit any Sum not exceeding Ten Shillings, in case such Driver shall not be the Owner of such Carriage; and in case the Offender be Owner of such Carriage, then any Sum not exceeding Twenty Shillings: And in either of the said Cases, shall, in Default of Payment, be committed to the House of Correction, for any Time not exceeding One Month, unless the same shall be sooner paid; and every such Driver, offending in either of the said Cases, shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to Law: And if any such Driver, in any of the Cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him

for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that he refused to discover his Name.

Justices may hold and adjourn Special Sessions whenever they think fit,

And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace within their respective Limits, and they are hereby impowered, from Time to Time, whenever they shall judge proper, to hold any Special Sessions, besides that which is herein-before directed, for executing the Purposes of this Act; and to adjourn the same from Time to Time, as they shall think fit, causing Notice to be given of the Time and Place of holding such Special Sessions, and of the Adjournments thereof, to the several Justices acting and residing within such Limits, by the High Constable, or other proper Officer within the same.

upon giving Notice to the other Justices.

In order to prevent Obstructions, Alehouses, &c. not suffered to be kept on Bridges where Tolls are taken.

And, for preventing Obstructions, which frequently happen by stopping of Carriages on or near publick Bridges, be it further enacted, That if any Person or Persons collecting any Tolls payable for passing over any publick Bridge with Carriages or Cattle of any Kind shall keep any Victualling-house, Alehouse, or other Place of publick Entertainment, or shall sell, or permit to be sold therein, any Wine, Beer, Ale, Cyder, Spirituous Liquors, or other Strong Liquors, by Retail, he, she, or they, being lawfully convicted of such Offence, by the Oath of One or more credible Witness or Witnesses, or by his own Confession, before any Justice of the Peace of the Limit wherein such Offence shall be committed, shall, for every such Offence, forfeit the Sum of Five Pounds.

Penalty for incroaching on Highways.

And whereas Inconveniencies have arisen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds near the Middle or Centre of Highways: For Remedy thereof, be it enacted, That if any Person shall incroach, by making, or causing to be made, any Hedge, Ditch, or other Fence, on any Highway, not being Turnpike Road, within the Distance of Fifteen Feet from the Middle or Centre thereof, or shall plough, harrow, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Lands, shall turn his Plough in or upon

any Land or Ground within the Distance of fifteen Feet from the Middle or Centre of any Highway, where the Breadth of such Highway is formed and marked, or described with Certainty, and does not exceed in Breadth thirty Feet, every Person so offending shall forfeit, for every such Offence, Forty Shillings, to such Person who shall make Information of the same; and it shall be lawful for the Surveyor who hath the Care of any such Road to cause such Hedge, Ditch, or Fence, to be taken down, or filled up, at the Expence of the Person or Persons to whom the same shall belong: And it shall and may be lawful for any One or more Justice or Justices of the Peace of the Limit where such Offence shall be committed, upon Proof to him or them made upon Oath, to levy as well the Expences of taking down such Hedges as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Incroachment to be taken down by the Surveyor.

And be it further enacted, That it shall and may be lawful for the Court before whom any Indictment or Presentment shall be tried for not repairing Highways, to award Costs to the Prosecutor, to be paid by the Person or Persons so indicted or presented, if it shall appear to the said Court that the Defence made to such Indictment or Presentment was frivolous; or to award Costs to the Person indicted or presented, to be paid by the Prosecutor, if it shall appear to the said Court that such Prosecution was vexatious.

Court may award Costs to the Prosecutor or Defendant upon an Indictment or Presentment.

And be it further enacted, That if the Inhabitants of any Parish, Township, or Place, shall agree, at a Vestry or publick Meeting, to prosecute any Person by Indictment for not repairing any Highway within such Parish, Township, or Place, which they apprehend such Person was obliged by Law to repair, or for committing any Nuisance upon any Highways, or shall agree at such Vestry Meeting to defend any Indictment or Presentment preferred against any such Parish, Township, or Place,

Expences for carrying on or defending Prosecutions, agreed upon at a Vestry Meeting, how to be paid.

it shall and may be lawful for the Surveyor of such Parish, Township, or Place, to charge in his Account the reasonable Expences incurred in carrying on or defending such respective Prosecutions, after the same shall have been agreed to by such Inhabitants at a Vestry or publick Meeting, or allowed by a Justice of the Peace within the Limit where such Highway shall be; which Expences, when so agreed to, or allowed, shall be paid by such Parish, Township, or Place, out of the Fines, Forfeitures, Compositions, Payments, and Assessments authorised to be collected and raised by virtue of this Act.

The Notice required for holding Vestries or publick Meetings.

And be it further enacted, That in all Cases where a Vestry or publick Meeting of the Inhabitants of any Parish, Township, or Place, is authorised or directed by this Act, there shall be publick Notice given of the Day, Hour, and Place, of holding the said Meeting, at the Church or Chapel of such Parish, Township, or Place, on the Sunday next preceding such Meeting, and also Notice thereof in Writing, specifying the Purpose of such Meeting, fixed at the same Time upon the Door of such Church or Chapel, and the same shall not be held till Three Days at least after such Notice given; and if there be no Church or Chapel, the like Notice of such Meeting shall be given in Writing, and put up at the most publick Place therein, Three Days at least before such Meeting.

Sums assessed may be levied by Distress and Sale of the Offenders Goods.

And be it further enacted, That if any Person shall refuse or neglect to pay the Sum or Sums assessed upon him, by any Assessment to be made in pursuance of this Act, within Ten Days after Demand thereof made, the same shall and may be levied by the Surveyor, or any other Person or Persons authorised by Warrant under the Hand and Seal of One Justice of the Peace having Jurisdiction therein, by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting, rendering the Overplus to the Owner or Owners thereof, the necessary Charges of making such Distress and Sale being first deducted; and in Default of such Distress, it shall be lawful for any such Justice to commit the Person so refusing or neglecting to the common Gaol, there to remain until he shall have paid the Sum so assessed, and the

the Costs and Charges occasioned by such Neglect or Refusal.

Surveyor may be a competent Witness.

And be it further enacted, That the Surveyor of any Parish, Township, or Place, shall be deemed, in all Cases, a competent Witness, in all Matters relative to the Execution of this Act, notwithstanding his Salary may arise in Part from the Forfeitures and Penalties hereby inflicted.

Concerning the Forms of Proceedings.

And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, shall be used upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Cases; and that no Objection shall be made, or Advantage taken, for want of Form in any such Proceedings, by any Person or Persons whomsoever.

Printed Abstracts to be given to Surveyors.

And, in order to have the Contents of this Act more generally communicated and known, be it further enacted, That the Justices of the Peace, within their respective Limits, shall, at every Special Sessions to be held in the Week next after the Michaelmas General Quarter Sessions of the Peace, procure and deliver, or cause to be procured and delivered, a printed Abstract of the most material Parts of this Act to every Surveyor, to be then appointed by them respectively, as the Charge hereby directed to be given; and shall also, at their said Special Sessions, to be held in the Year One thousand seven hundred and seventy-three, deliver, or cause to be delivered, to every of the said Surveyors, One other of the said printed Abstracts of this Act, for the Use of the Parish, Township, or Place, for which the said Surveyor shall be appointed; which last-mentioned Abstract the said Surveyors are hereby respectively ordered and required to fix on the Church or Chapel Door, or other publick Place, within their respective Liberties, on the next Sunday after they shall so receive the same; and the said Surveyors shall severally pay to the said Justices Clerks the Sum of Sixpence for each of the said last-mentioned printed Abstracts.

One to be fixed on the Church Door

And

Persons resisting the Execution of this Act,

And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or make any Rescue of the Cattle or other Goods distrained by virtue of this Act; or if any Constable, Headborough, or Tythingman, shall refuse or neglect to execute or obey any Warrant or Precept granted by any Justice of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof by a Justice of the Peace, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice before whom he or she shall be so convicted; to be paid to the Surveyor of the Highways for the Parish, Township, or Place, where the Offence was committed, to be laid out in the Repair of the Highways: And in case he or she do not forthwith pay, or secure to be paid, the said Forfeiture, after such Conviction; then it shall and may be lawful for such Justice of the Peace to commit such Person or Persons to the common Gaol, or House of Correction, of the Limit where such Offence shall be committed, there to remain for any Time not exceeding Three Months, unless the said Forfeiture shall be sooner paid.

or Constables refusing to obey the Warrant of a Justice of Peace,

to forfeit not exceeding 10*l.* nor less than 40*s.*

Forfeitures, Costs, and Charges, may be levied by Distress and Sale of the Offender's Goods:

And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default, shall happen, or such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress (if any be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice is hereby impowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witness or

Witneſſes, or upon Order made as aforeſaid; and the Penalties and Forfeitures, when ſo levied, ſhall be paid, the One half to the Informer, and the other half to the Surveyor of the Highway where ſuch Offence, Neglect, or Default ſhall happen; to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but in caſe the Surveyor ſhall be the Informer, then the Whole ſhall be employed towards the Repair of ſuch Highway: And in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures, or the ſaid Coſts and Charges, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders, or Perſon or Perſons, liable to pay the ſame reſpectively, to the common Gaol, or Houſe of Correction, of the Limit where the Offence ſhall be committed, or ſuch Order as aforeſaid ſhall be made, for any Time not exceeding Three Months, unleſs the ſaid Penalty, Forfeiture, Coſts, and Charges, ſhall reſpectively be ſooner paid; and if ſuch Offender or Offenders, or Perſon or Perſons, liable or ordered to pay the ſame reſpectively, ſhall live out of the Juriſdiction of the Juſtice hereby authoriſed to grant ſuch Warrant, it ſhall and may be lawful for any Juſtice of the Peace of the Limit wherein ſuch Perſon ſhall inhabit, and every ſuch Juſtice is hereby required, upon Requeſt to him for that Purpoſe made, and upon a true Copy of the Conviction whereby ſuch Forfeiture or Penalty was incurred, and of the Order for the Payment of ſuch Coſts and Charges, produced and proved by a credible Witneſs upon Oath, by Warrant under his Hand and Seal, to cauſe the Penalty or Forfeiture mentioned in ſuch Conviction, and the Coſts and Charges mentioned in ſuch Order, or ſo much thereof as ſhall not have been paid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, or Perſon or Perſons, liable or ordered to pay the ſame reſpectively, as aforeſaid; and if no ſufficient Diſtreſs can be had, to commit ſuch Offender or Offenders, or Perſon or Perſons, liable as aforeſaid, to the common Gaol, or Houſe of Correction, of ſuch Limit, for the Time, and in Manner aforeſaid.

In what Manner to be applied.

How to proceed when the Offender lives within another Juriſdiction.

Warrant of Distress, when to be issued.

Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs or Charges, until Six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

The Prosecutor has his Option to proceed for the Forfeiture by Information before a Justice, or by Action at Law, if it amount to 40 s.

Provided also, and be it further enacted, That every Prosecutor or Informer may, at his Election, sue for, and recover any Forfeiture or Penalty imposed by this Act, which shall amount to the Sum of Forty Shillings or upwards, (the Manner of Recovery thereof not being particularly directed by this Act), either in the Manner herein-before directed, or by Action at Law, to be brought by such Informer or Prosecutor in any of His Majesty's Courts of Record, in Manner following; (that is to say), Where any Person shall be liable to any such Pecuniary Penalty, it shall and may be lawful to sue for and recover the same by Action of Debt, in which it shall be sufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preservation of the publick Highways within that Part of *Great Britain* called *England*, and for other Purposes; and the Plaintiff, if he recovers in any such Actions, shall have Double Costs.

Within what Time Actions are to be commenced, and what Notice is to be given.

Provided, That there shall not be more than One Recovery for the same Offence; and that Ten Days Notice, in Writing, be given to the Party offending previous to the Commencement of such Action; and that the same be brought and commenced within One Calendar Month after the Offence for which such Action is brought shall have been committed.

Convictions how to be made.

Provided also, and be it further enacted, That no Conviction shall be had or made by virtue of this Act, unless upon Confession of the Party accused, or upon the Oath of One or more credible Witness or Witnesses, or upon the View of a Justice of Peace, in the Cases before mentioned; and that any Inhabitant of any Parish,

Township, or Place, in which any Offence shall be committed contrary to this Act, shall be deemed a competent Witness, notwithstanding his or her being an Inhabitant of such Parish, Township, or Place. Inhabitant of a Parish a good Witness.

And be it further enacted, That it shall and may be lawful for any Justice of the Peace to administer an Oath to any Witness or Witnesses, or other Person or Persons, for the better Discovery and Execution of the several Matters or Things herein-before authorised or directed to be examined, enquired into, or performed by such Justice. Justices may administer Oaths.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case. Satisfaction recoverable for Special Damage; but Distress not unlawful for want of Form in the Proceedings.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders, and Judgement, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiffs not to recover for Irregularity, if Tender of Amends be made.

Provided

Appeal may be made to Quarter Sessions by the Person aggrieved by any Thing done in the Execution of this Act.

Provided also, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done by any Justice or Justices of the Peace, or other Person, in the Execution of any of the Powers given by this Act, and for which no particular Method of Relief hath been already appointed, every such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise, such Appellant giving, or causing to be given, Notice in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice, or other Person or Persons against whom such Complaint shall be made, within Six Days after the Cause of such Complaint arose, and within Four Days after such Notice, entering into Recognizance before some Justice of the Peace within such Limit, with One sufficient Surety, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Session; and every Justice of the Peace, and other Person, having received Notice of such Appeal, as aforesaid, shall return all Proceedings whatsoever had before them respectively, touching the Matter of such Appeal, to the said Justices, at their General Quarter Sessions aforesaid, on Pain of forfeiting Five Pounds for every such Neglect; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; to be levied and recovered as herein-before directed; and the Determination of such Quarter Session shall be final and conclusive to all Intents and Purposes; and that no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, (except as herein-before mentioned), into any of his Majesty's Courts of Record at Westminster, any Law or Statute to the Contrary

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

trary notwithstanding: Provided, that no such Appeal shall be made against any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unless the Person convicted shall, at the Time of such Conviction, if he or she shall be then present, if not, within Six Days after, give Notice of his or her Intention to appeal, and at the same Time enter into Recognizance with sufficient Sureties to pay such Penalty or Forfeiture, in case such Conviction shall be affirmed upon such Appeal; and upon his or her giving such Security, the further Proceeding for such Penalty or Forfeiture shall be suspended until such Appeal shall be heard and determined.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done or acted in pursuance of this Act; then, and in every such Case, such Action or Suit shall be commenced or prosecuted within Three Calendar Months after the Fact committed, and not afterwards; and the same, and every such Action or Suit, shall be brought within the County where the Fact was committed, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought or laid in any other Place than as aforementioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law.

General Issue.

Treble Costs.

When the Act commences.

And be it further enacted, That this Act shall commence and take Place, with respect to the assembling of the Householders and others, and the making and delivering

of Lists of Persons qualified to serve the Office of Surveyor, and the giving Notices to the Persons contained in such Lists, upon the Twenty-first Day of September, One thousand seven hundred and seventy-three; and, with respect to all the other Matters and Things herein contained, on the Eleventh Day of October, One thousand seven hundred and seventy-three.

Act 7 *Geo.* III. repealed.

And, to the Intent that there may be only One Law subsisting for the several Purposes aforesaid; be it further enacted and declared, That from and after the Tenth Day of October, One thousand seven hundred and seventy-three, an Act, passed in the Seventh Year of the Reign of his present Majesty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned, (except so much thereof as repeals the several Acts, and Parts of Acts, therein mentioned, which are not revived by an Act, passed in the Eighth Year of the Reign of his present Majesty, intituled, An Act to explain, amend, and render more effectual an Act, passed in the Seventh Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned,* shall be, and the same is hereby repealed.

Surveyors appointed under 7 *Geo.* III. to pass their Accounts at Special Sessions after *Michaelmas* next.

Provided nevertheless, That the several Surveyors appointed under the Authority of the said Act, passed in the Seventh Year of the Reign of his present Majesty, shall produce such Books and Lists, and pass their Accounts, before the Justices at their respective Special Sessions, to be holden within their respective Limits, in the Week next after the Michaelmas Quarter Sessions, in the Year One thousand seven hundred and seventy-three, and pay the Balances thereof, in such Manner as they ought to have done at the Special Sessions, which was by the said Act to have been held on the First Monday in October, or within Fifteen Days after; and if the Justices shall appoint any Surveyor or Surveyors un-

der the Authority of the said Act, such Appointment shall be void, and of no Effect.

Exceptions relative to *Bristol*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, touching the making and returning Lists of Persons qualified to be Surveyors of the Highways, and the Appointment of such Surveyors, nor the Repeal of Part of an Act, made in the Third Year of King William and Queen Mary, relating to such Surveyors, shall extend, or be construed, deemed, or taken, to extend to the City of Bristol; but that the several Acts of Parliament which have been passed previous to this Act, relative to Surveyors of the Highways, and to cleansing, paving, lighting, and regulating the Streets and other Places within the said City, shall remain in full Force, and be executed in as full and ample Manner and Form, to all Intents and Purposes, as the same might or ought to have been, if this Act had never been made.

and *Saint Mary Matfelon*, &c.

Provided also, That nothing in this Act contained shall extend, or be deemed or construed to extend, to the Parish of Saint Mary Matfelon, otherwise Whitechapel, and Saint John of Wapping, in the County of Middlesex, or either of them.

Powers of Commissioners of Sewers not abridged.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, restrain, or abridge, the Powers or Authorities given to the Commissioners of Sewers by any Act or Acts of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

THE SCHEDULE

(Stating the Forms) to which this Act refers.

No. I.

Warrant for calling the Meeting of the Houſeholders, &c. and for fixing that of the Juſtices for appointing Surveyors.

Middleſex. *To the Conſtables, Headboroughs, and Tythingmen, within the* (Hundred) Riding) Diviſion) Liberty) *or* Precinct) as the Caſe ſhall be) *of in the ſaid County.*

IN order to carry into Execution an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for the Amendment and Preſervation of the Publick Highways*, you are hereby ſeverally required forthwith to give publick Notice to the Churchwardens, Surveyors of the Highways, and Houſeholders, being aſſeſſed to any parochial or publick Rate within your reſpective Liberties, that they do aſſemble on the Twenty-ſecond Day of *September* next, at the Church or Chapel, or if there ſhall be no Church or Chapel, then at the uſual Place of publick Meetings within their reſpective Liberties, at the Hour of Eleven in the Forenoon; and that the major Part of them ſo aſſembled do make a Liſt of the Names of at leaſt Ten Perſons living therein, who each of them have an Eſtate in Lands, Tenements, or Hereditaments, lying within the ſame, in their own Right, or in Right of their Wives, of the Value of Ten Pounds by the Year; or a perſonal

Eſtate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houſes, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there ſhall not be Ten Perſons having ſuch Qualifications, then that they do inſert in ſuch Liſt the Names of ſo many of ſuch Perſons as are ſo qualified, together with the Names of the moſt ſufficient and able Inhabitants not ſo qualified, as ſhall make up the Number Ten, if ſo many can be found, if not, ſo many as ſhall be there reſident, to ſerve the Office of Surveyor of the Highways: And you are alſo ſeverally required, within Three Days after making the ſaid Liſt, to deliver a Copy thereof to One of the Juſtices of Peace of the ſaid (*Hundred*) *Riding*) *Diviſion*, &c.) *as the Caſe ſhall be*) living in or near the ſame (*Pariſh*, &c.); and alſo to give perſonal Notices to, or cauſe Notices in Writing to be left at the Places of Abode of the ſeveral Perſons contained in ſuch Liſt, informing them of their being ſo named, to the Intent that they may ſeverally appear before the ſaid Juſtices at their Special Seſſions to be holden at within the ſaid (*Hundred*, &c.) on the Day of now next enſuing, at the Hour of in the Forenoon of the ſame Day, to accept ſuch Office, if they ſhall be appointed thereto, or to ſhew Cauſe, if they have any, againſt their being appointed; and you are likewiſe to give Notice to the preſent Surveyors of the Highways, within your reſpective Liberties, to appear at the ſame Time and Place, and produce ſuch Accounts and Liſts before the ſaid Juſtices as are required by the ſaid Act; and you, and each of you, are perſonally to appear before the ſaid Juſtices, at their ſaid Special Seſſions, and then and there ſeverally deliver to the ſaid Juſtices the ſaid original Liſt or Liſts taken within your reſpective Liberties, and give an Account of the Execution of this our Precept.

Given under our Hands and Seals, the
Day of in the Year of our Lord, 17

Liſt

N°. II.

List of Persons to be returned to the Justices.

A List of the several Persons named for Surveyors of the Highways for the (insert the Name of the Parish, Township, or Place) *at a Meeting held at in the said* (Parish, *etc.*) *the Day of* 17

A. B.
C. D. *etc.*

WE whose Names are subscribed, being Two Parts in Three of the Persons assembled at the Meeting aforesaid, do agree in the Choice of *A. B.* as a fit Person to serve the Office of Surveyor for the (*insert the Parish*, &c.) aforesaid, and in the Allowance to him of for his Trouble in executing the same for the Year ensuing; and we do recommend the said *A. B.* to the Justices for their Appointment accordingly.

This to be added, when a particular Person is recommended.

N°. III.

Notice to the Persons contained in the List.

A. B. take Notice, That you was at a Meeting held at (*insert the Name of the Parish*, &c.) on the Day of named as One of the Persons to be returned to the Justices as fit to serve the Office of Surveyor for the said (*Parish, etc.*) for the Year ensuing; and if you have any Cause to shew why you should not be appointed to serve such Office, you must make the same appear before the Justices, at their Special Sessions, to be holden at on the Day of next.

A. B. { Constable, Headborough, or Tithingman, (*as the Case shall be.*)

Order

N°. IV.

Order to the (*Conſtable*, &c.) to return to the Juſtices the Amount of a Sixpenny Aſſeſſment.

Middleſex. *To the* (Conſtable, *&c.*) *of*

YOU are hereby required to return to us, and the other Juſtices, to be aſſembled at the Special Seſſions for to be held at in the ſaid the (*Hundred*, &c.) of County, on the Day of next, the Amount of the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within your Liberty, if any ſuch has been raiſed; if not, what you apprehend, from the beſt Information you can get, an equal Aſſeſſment of Sixpence in the Pound upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid Liberty, according to their yearly Value, will amount to.

Given under our Hands this Day of 17

N°. V.

Return to the Juſtices of the Amount of a Sixpenny Aſſeſſment.

To the Juſtices, aſſembled at their Special Seſſions at the Day of 17

IN Obedience to your Order, I do return and certify, that the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within the Liberty of amounted to the Sum of

[*If no Aſſeſſment of Sixpence in the Pound hath been made, then as under.*]

IN Obedience to your Order, I do return and certify, that no Aſſeſſment hath been made of Sixpence in the Pound, for the Uſe of the Highways within the Liberty of but I apprehend, from the beſt

best Information which I have been able to get, that an equal Assessment of Sixpence in the Pound, upon all the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the said Liberty, will amount to the Sum of

A. B. (Constable, *&c.*)

N°. VI.

Appointment of a Surveyor.

Middlesex. *At a Special Sessions, held at in the Hundred of by Justices of the Peace for the said County, acting within the said Hundred, on the Day of* 17

WE do hereby nominate and appoint *A. B.* &c. of (*Insert the Name of the Parish, &c. where he lives*) in the said Hundred, Surveyor (*or* Surveyors) of the Highways within the said (*Parish, &c.*) for the Year ensuing; (and we do allow the said *A. B.* the Salary of for his Trouble): And you the said *A. B.* are faithfully and truly to execute the said Office of Surveyor, according to the Directions of the Statute, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways," an Abstract of the material Parts of which Statute is hereunto annexed.

This to be inserted when a Surveyor is appointed with a Salary.

Given under our Hands and Seals, the Day and Year above mentioned.

N°. VII.

Bond from the Surveyor.

WE *A. B.* Surveyor of the Highways for the (*Parish, Township, &c.*) of and *C. D.* of are bound to *E. F.* of aforesaid, in the Sum of Pounds, to be paid to the said *E. F.* his Executors, Administrators, or Assigns; for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the Day of 17

The Condition of this Bond is ſuch, that if the ſaid *A. B.* his Executors, or Adminiſtrators, ſhall duly and faithfully account for, apply, and pay, all and every the Sum and Sums of Money which ſhall come to his Hands, as Surveyor of the Highways for the (*Pariſh, etc.*) according to the Direction and true Intent and Meaning of the Statute, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and "Preſervation of the Highways," then this Bond to be void, or elſe to remain in full Force.

N°. VIII.

Appointment of an Aſſiſtant to the Surveyor.

Middleſex. *At a Special Seſſions, held at in the Hundred of by Juſtices of the Peace for the ſaid County, acting within the ſaid Hundred, on the Day of* 17

WE do hereby nominate and appoint *C. D.* a ſubſtantial Inhabitant of the (*Pariſh, etc.*) of in the ſaid Hundred, Aſſiſtant to *A. B.* whom we have appointed Surveyor of the Highways for the ſaid (*Pariſh, etc.*); and you the ſaid *C. D.* are, to the beſt of your Skill and Judgement, to aſſiſt the ſaid Surveyor, whenever requeſted by him, in calling in and attending the Performance of the Statute-duty, in collecting the Compoſitions, Fines, Penalties, and Forfeitures, and in making and collecting the Aſſeſſments, and in making out, and ſerving, the Notices authoriſed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," and in ſuch other Matters and Things as ſhall be reaſonably required of you by the ſaid Surveyor, in the Execution of his Office of Surveyor, purſuant to the ſaid Act; and you are juſtly and truly to account with, and pay to, the ſaid Surveyor, or to his Order, the Money which ſhall come to your Hands by the Means aforeſaid.

Given under our Hands and Seals, the Day and Year above mentioned.

Oath

N°. IX.

Oath to be adminiſtered to the Surveyor upon paſſing his Accounts.

I *A. B.* do ſwear, That the Accounts now produced and delivered by me, as Surveyor of the Highways for the (*Pariſh, etc.*) of for the laſt Year, are juſt and true, to the beſt of my Knowledge.

So help me GOD.

N°. X.

Allowance of the Accounts.

October, 17

THESE Accounts were examined and allowed before

N°. XI.

Notice from the Surveyor to remove Nuiſances and Obſtructions, and to cut Hedges, &c.

To C. D. of

IN purſuance of the Directions given by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, " For the Amendment and Preſervation " of the Highways," I *A. B.* Surveyor of the Highways for the (*Pariſh, etc.*) of do hereby give you Notice, forthwith to remove the (*Dung*) *Timber*) *Stone, etc.*,) placed by you in a certain Part of the King's Highway, lying between and in the (*Pariſh, etc.*) of to the Obſtruction and Annoyance of the ſaid Highway: *Or,* (forthwith to cut, prune, and plaſh the Hedges, and cut or prune the Trees, and to open, cleanſe, and ſcour the ſeveral Ditches and Watercourſes, belonging to you) in or near the Highway, lying between and to the Intent that the Water may be drained from the ſaid Highway, and that the Sun and Wind may not be excluded from ſuch Highway, to the Prejudice thereof.

To remove Nuiſances and Obſtructions.

To cut and prune Hedges, and to cut or prune Trees, and to open and ſcour Ditches and Watercourſes.

Dated this Day of 17

A. B.

N°. XII.

Allowance of Charges and Expences paid by Surveyors, which are to be repaid by the Poſſeſſors of the Lands, *etc.* and Order of the Juſtice for that Purpoſe.

Middleſex. WHEREAS Complaint hath been made unto me *A. B.* Eſquire, One of His Majeſty's Juſtices of Peace for the ſaid County, by the Oath of Surveyor of the Highways for the Pariſh of in the ſaid County, that *C. D.* of having had due Notice to cut and prune his Hedges, and cleanſe and ſcour his Ditches and Watercourſes, within or adjoining to the publick Highway between and in the ſaid Pariſh of hath neglected to do the ſame within the Time required by ſuch Notice, and that the ſaid hath cauſed the ſame reſpectively to be cut, pruned, cleanſed, and ſcoured, purſuant to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the "Highways," and hath expended therein the Sum of as appears by an Account now produced to me, which I think a reaſonable Charge, and do therefore allow the ſame, and hereby order the ſaid *C. D.* to pay the ſaid Sum of to the ſaid within Six Days from the Time of his being ſerved with this Order.

Given under my Hand and Seal, this Day of 17

N°. XIII.

Order of a Juſtice of Peace to make new Drains.

Middleſex. *To* C. D. *of* *Surveyor of the Highways for the* (Pariſh, *etc.*) *of*

WHEREAS Complaint hath been made to me *A. B.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, that the Ditch, Gutter, or Water-

courſe, for conveying the Water from the Highway at in the (*Pariſh, &c.*) of in the ſaid County, is not ſufficient for that Purpoſe, and that the cleanſing and opening the ſame will not effectually carry off the ſaid Water, but that the ſaid Highway may be effectually drained, and the Water carried off, by making a new Ditch or Drain through the Lands or Grounds of lying near the ſame, for the Length of Yards, and the Breadth of Feet; and the ſaid having been duly ſummoned to appear before me, to ſhew Cauſe, if he had any, why the ſaid Ditch or Drain ſhould not be made, and the ſaid not appearing, *or* (not ſhewing ſufficient Cauſe againſt the ſame), and it appearing to me that ſuch Ditch or Drain is neceſſary, I do hereby order and require you to enter into and upon the ſaid Lands of the ſaid and there make, or cauſe to be made, a new Ditch or Drain, of the Length and Breadth aforeſaid, and of a convenient Depth, making or tendering ſufficient Satisfaction to the ſaid for the Damages to be done thereby, within One Calendar Month after the ſame ſhall be ſo made; ſuch Damages to be ſettled and aſcertained in Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways."

Given under my Hand, this Day of 17

No. XIV.

Notice of Application to be made for an Aſſeſſment.

Middleſex. NOTICE is hereby given, that Application will be made to the Juſtices of the Peace acting for the (*Hundred*) of in the ſaid County, at their Special Seſſions, to be held at in the ſaid (*Hundred*), on the Day of One thouſand ſeven hundred for an equal Aſſeſſment to be made, not exceeding in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the (*Pariſh, etc.*) of for the Uſe and Benefit of the

Highways, within the ſaid (*Pariſh, etc.*) Dated this Day of 17

A. B. Surveyor.

N°. XV.

Order at Special Seſſions for an Aſſeſſment of Sixpence in the Pound.

Middleſex. *At a Special Seſſions for the Highways, held at in the Hundred of in the ſaid County, the Day of 17 by Juſtices of Peace for the ſaid County acting within the ſaid Hundred.*

UPON Application made to us by the Surveyor of the Highways for the (*Pariſh, etc.*) of and upon Evidence given upon Oath before us, (that the Duty directed to be performed, and the Money authoriſed to be collected and received, by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," have been performed, applied, and expended, according to the Directions of the ſaid Act;) *Or,* (We are fully ſatisfied, that the common Highways, Bridges, Cauſeways, Streets, and Pavements, belonging to the (*Pariſh, etc.*) of are ſo far out of Order, that they cannot be ſufficiently amended and repaired, paved, cleanſed, and ſupported, by the Means preſcribed by the ſaid Act:) And it appearing to us, that Notice has been duly given of ſuch intended Application, according to the Direction of the ſaid Act, we do hereby order, direct, and appoint, that an equal Aſſeſſment, not exceeding the Sum of in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid (*Pariſh, etc.*) of ſhall be forthwith made by the ſaid Surveyor, and ſhall be allowed by One Juſtice of the Peace for the ſaid Hundred, and ſhall be collected by the ſaid Surveyor, and that the Money ſo to be aſſeſſed and collected ſhall be applied for and towards the amending, repairing, paving, cleanſing, and ſupporting ſuch Highways, Cauſeways, Streets, Pavements, and Bridges, (*and for*

If no Aſſeſſment has been made for buying Materials, *&c.* this may amount to Nine-pence in the Pound; but if a Sixpence Aſſeſſment had been made before, it muſt be only Threepence.

for buying Materials, making Satisfaction for Damages, erecting Guide-posts, and paying the Surveyor's Salary), according to the Direction and true Intent and Meaning of the said Act.

These latter Words may be added here, if there has been no former Assessment for those Purposes.

A. B.
C. D.

N°. XVI.

Order of Two Justices for [*widening*] or [*diverting and turning*] a Highway.

Middlesex. WE, Two of His Majesty's Justices of the Peace for the said County, acting within the (*Hundred, etc.*) of within the said County, having, upon View, found that a certain Part of the Highway between and in the (*Parish, etc.*) of in the said (*Hundred*), for the Length of Yards, or thereabouts, and particularly described in the Plan hereunto annexed, is for the greatest Part thereof narrow, *and cannot be conveniently enlarged and made commodious for Travellers, without diverting and turning the same; and having viewed a Course proposed for the said new Highway, through* the Lands and Grounds of and of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabouts, particularly described in the Plan hereunto annexed, which we think will be much more commodious to the Publick; we do hereby order, that the said Highway be *diverted and turned* through the Lands aforesaid; and that the Surveyor of the Highways for the (*Parish, etc.*) of where the said old Highway lies, do forthwith proceed to treat and make Agreement with the said and for the Recompence to be made for the said Ground, and for the making such Ditches and Fences as shall be necessary, in such Manner, with such Approbation, and by pursuing such Measures and Directions in all Respects, as are warranted and prescribed by the Statute, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For "the Amendment and Preservation of the Highways:" And in case such Agreement shall be made as aforesaid, we do order an equal Assessment, not exceeding the Rate of Sixpence in the Pound, to be made, levied, and collected, upon

(When it is only to be widened, leave out the Words in Italick, and insert), *But may be conveniently enlarged and widened, by adding thereto from*

or, *widened and enlarged.*

upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the ſaid *(Pariſh, etc.)* of and that the Money ariſing thereupon be paid and applied in making ſuch Recompence and Satisfaction, as aforeſaid, purſuant to the Directions of the ſaid Act.

A. B.
C. D.

N°. XVII.

Certificate from the ſaid Juſtices to the Court of Quarter Seſſions.

This is to be wrote upon the above Order, when no Agreement can be made.

To the Juſtices of the Peace, at their General Quarter Seſſions, to be held at in the ſaid County, the Day of 17

WE the within named *A. B.* and *C. D.* do hereby certify to the ſaid Court of Quarter Seſſions, that we made and ſigned the within Order, and that with our Approbation, and by our Direction, the ſaid Surveyor hath treated with the ſaid and for the ſaid Lands required for the Purpoſes aforeſaid, but was not able to make any Agreement for that Purpoſe with them, or either of them; and that he tendered to the ſaid the Sum of and to the ſaid the Sum of as a Recompence for the ſaid Ground, and for the making the ſaid Ditches and Fences, which they, and each of them, refuſed to receive.

A. B.
C. D.

N°. XVIII.

Order for ſtopping up the old Highway, and ſelling the Land and Soil thereof.

WE whoſe Names are ſubſcribed, being the Juſtices of Peace who have viewed the ſeveral Highways deſcribed in the Plans hereunto annexed, and made an Order for diverting the old Highway; and being ſatisfied that the new Highway therein deſcribed is properly made, and fit for

for the Reception of Travellers, do hereby order the ſaid old Highway, being of the Length of Yards, and of the Breadth of Feet, upon a Medium, as appears by the ſaid Plan, to be ſtopped up, and the Land and Soil thereof to be ſold by the ſaid Surveyor to whoſe Land adjoins thereto, if he ſhall be willing to purchaſe the ſame, for the full Value thereof; if not, to ſome other Perſon or Perſons, for the full Value thereof: (Reſerving nevertheleſs to a free Paſſage for Perſons, Horſes, Cattle, and Carriages, through the Land and Soil of the ſaid old Highway to and from the (*Land, etc.*) belonging to him, called according to his ancient Uſage thereof).

If there are more Highways than One to be ſtopped up, there ſhould be a ſeparate Order for each.

This to be inſerted where neceſſary, and to be varied as the Circumſtances of the Caſe may require.

N°. XIX.

Certificate to be wrote under the Order above mentioned.

WE, the above-named Juſtices, do certify, That the old Highway, herein-before mentioned and deſcribed, was ſold by the ſaid Surveyor to with our Approbation, for the Sum of which Sum we do order the ſaid to pay to the ſaid Surveyor, to be applied in purchaſing the Land, and making the ſaid new Highway; and if any Surplus remains, we do order that the ſame ſhall be applied for the Uſe of the Highways within the ſaid (*Pariſh, etc.*) of

N°. XX.

Receipt for the Purchaſe-money to be indorſed upon, or wrote under, the Certificate above mentioned.

RECEIVED the Day of from the ſaid the Sum of being the full Conſideration-money for the Purchaſe of the ſaid old Highway herein-before deſcribed, purſuant to the ſaid Orders and Certificate.

N°. XXI.

Order of Two Juſtices for diverting and turning a *(publick Highway, Bridleway,* or *Foot-way, as the Caſe ſhall be)* through the Lands of any Perſon who conſents thereto.

Middleſex. WE, and Eſquires, Two of His Majeſty's Juſtices of Peace for the ſaid County, at a Special Seſſions held at in the Hundred of in the ſaid County, on the Day of One thouſand ſeven hundred having, upon View, found, that a certain Part of a *(Highway, etc.)* within the (*Pariſh, etc.*) of in the ſaid Hundred, lying between and for the Length of Yards, or thereabouts, and particularly deſcribed in the Plan hereunto annexed, may be diverted and turned ſo as to make the ſame nearer *(or more commodious)* to the Publick; and having viewed a Courſe, propoſed for the new Highway, in lieu thereof, through the Lands and Grounds of of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabout, particularly deſcribed in the Plan hereunto annexed, and having received Evidence of the Conſent of the ſaid to the ſaid new Highway being made through his Lands herein-before deſcribed, by Writing under his Hand and Seal, we do hereby order that the ſaid Highway be diverted and turned through the Lands aforeſaid; and we do order an equal Aſſeſſment, *&c.* (*in the ſame Form as before mentioned*).

N°. XXII.

Conſent from the Owners of the Land through which a new Highway is propoſed to be made.

I *A.B.* of in the County of being Owner of the Lands deſcribed in the Plan hereunto annexed, through which Part of a certain Highway, lying between and is intended to be diverted and turned, (in conſideration of the Sum of to be paid to me for the ſaid Land, and the Soil thereof) *or*, (in conſideration of ſaid old Highway being ſold, exchanged, and to be veſted in me, and alſo of the

the Sum of to be paid to me,) (*as the Caſe may be*), do hereby conſent to the making and continuing ſuch new Highway through my ſaid Lands.

Given under my Hand and Seal, this Day of 17

No. XXIII.

Licence from Juſtices of Peace, at a Special Seſſions to get Materials for the Repair of the Highways in another Pariſh, beſides that wherein ſuch Materials are to be employed.

Middleſex. *At a Special Seſſions, held at for the* (Hundred) *of in the ſaid County, by Juſtices of the Peace for the ſaid County acting within the ſaid* (Hundred), *on the Day of* 17

IT appearing to us, upon Evidence, this Day received, that ſufficient Materials cannot conveniently be had within the waſte Lands, common Grounds, Rivers, or Brooks, nor in the incloſed Lands or Grounds lying within the (*Pariſh, etc.*) of *A.* in the ſaid (*Hundred*), for the Repair of the Highways within the ſaid (*Pariſh, etc.*) nor in the waſte Lands, common Grounds, Rivers, or Brooks, within the (*Pariſh*) of *B.* adjoining to the ſaid (*Pariſh, etc.*) of *A.* we do hereby give our Licence to the Surveyor for the ſaid (*Pariſh*) of *A.* to ſearch for, dig, get, and carry Sand, Gravel, Chalk, Stone, and other Materials, within the incloſed Lands or Grounds of *C. D.* within the ſaid (*Pariſh, etc.*) of *B.* to be employed in the Repair of the Highways within the ſaid (*Pariſh*) of *A.* it appearing from Evidence laid before us, that there are proper Materials within the ſaid Lands for the Purpoſes aforeſaid, lying convenient to the ſaid Highways; and that after ſuch Materials ſhall be ſo taken, there will be ſufficient left for the Uſe of the Highways within the ſaid (*Pariſh*) of *B.* upon the ſaid Surveyors making Satisfaction and Recompence for the ſame, in the Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the "Highways," ſubject to ſuch Reſtrictions as are therein contained.

Given under Our Hands and Seals, the Day and Year above written.

9

A. B.
C. D.

Licence

No. XXIV.

Licence from a Justice of Peace, for a Surveyor to gather Stones upon inclosed Lands, for the Repair of the Highways.

Middlesex. *To the Surveyor of the Highways for the* (Parish) *of* *in the* (Hundred) *of* *in the said County.*

WHEREAS by an Act, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the High-"ways," the Surveyors are authorised to gather Stones lying upon any Lands or Grounds within their Liberty, for the Use and Benefit of the Highways, but not without the Consent of the Occupiers of such Lands, or a Licence from a Justice of Peace for that Purpose: And whereas it appears to me, *E. F.* One of His Majesty's Justices of the Peace for the said County, and acting within the said *(Hundred, &c.)* upon the Oath of the said Surveyor, that he hath applied to *A. B.* of for his Consent to gather Stones from the Lands called or known by the Names of and in his Occupation, within the said *(Parish, &c.)* for the Purposes aforesaid, and that the said Stones are necessary for the Repair of the said Highways, and that the said *A. B.* hath refused to permit the same to be gathered; and the said *A. B.* having been duly summoned to appear before me, to shew Cause why such Permission should not be granted, and *(having appeared before me accordingly)*; or, *(having sent his Steward or Agent)*; or, (C. D. *on his Behalf, to attend me upon that Occasion)*; or, *(but not having appeared)* I have heard what has been alledged, and taken the said Matter into Consideration, and am of Opinion, that the said Stones are necessary, and ought to be gathered and carried away for the Purposes aforesaid, therefore I do hereby give my Licence to the said Surveyor to take and carry away the same accordingly.

Given under my Hand and Seal, the Day of

17

Notice

N°. XXV.

Notice to perform Statute-duty, (to be given Four Days before the Day on which the Duty is to be performed.)

A. B. you are hereby required to ſend a Team, with Two able Men, to within the *(Pariſh, etc.)* of next, at o'Clock in the Morning of each Day, in order to perform ſuch Duty upon the Highways within the ſaid as ſhall be required by the Surveyor, purſuant to the Direction of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation "of the Highways." *(When perſonal Labour is required)*, You are hereby required, by yourſelf, or a ſufficient Labourer to attend, *etc.*

If he does not occupy Lands, *etc* of the yearly Value of 30*l.* in ſuch Pariſh, *etc.* he is only to ſend One Man

If a Waggon, or a Cart with Two Horſes, or One Horſe only, is required, let it be expreſſed.

Dated this Day of 17

N°. XXVI.

Notice for Compoſitions.

NOTICE is hereby given, That all Perſons who are inclined to compound for their Statute-duty within the *(Pariſh, etc.)* of are hereby required to ſignify their Intention to compound for the ſame to the Surveyor of the Highways for the ſaid *(Pariſh, etc.)* at the Houſe of of on the Day of this Inſtant *November*, between the Hours of and and they are hereby required, at the ſame Time, or within the Space of One Month after, to pay their Compoſition-money to the ſaid Surveyor; and alſo, that all Perſons who are liable to pay Money for the Lands, Tenements, Woods, Tithes, and Hereditaments, which they occupy, or, in lieu of their Duty within the ſaid *(Pariſh, etc.)* according to the Act made in the Thirteenth Year of His Majeſty King *George* the Third, "For the "Amendment and Preſervation of the Highways," are required to pay the ſame to the ſaid Surveyor, on the Day, or within the Time aforeſaid.

Dated this Day of *November*, 17

A. B. Surveyor.

No. XXVII.

Order for Statute-duty to be performed in Kind.

Middlesex, (Hundred) *At a Special Sessions, held at in the said County, the Day of by Justices of the Peace for the said County, acting within the said* (Hundred).

IT appearing to us, from the Information which we have received, that there will be Difficulty in procuring the necessary (*Carriage*), or, (*a sufficient Number of Labourers*) (*as the Case shall be*) for the Repair of the Highways within the (*Parish, etc.*) of within the said (*Hundred*) without paying high and extravagant Prices for the same, we do hereby order and direct (the Team-duty within the said (*Parish, etc.*) except such Teams where the Owners thereof do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, within the said (*Parish, etc.*) of the annual Value of Thirty Pounds); or, (One Half of the Team-duty, *etc.*) or, (the Labourers liable to perform Statute-duty within the said Parish, *etc.*) (as the Case shall be) to perform their Statute-duty in Kind within the said (*Parish, etc.*) according to the Authority and Directions of the Act, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways."

No. XXVIII.

Notice to the Surveyor of the Times fixed by the Inhabitants for being excused from doing their Statute-duty.

To the Surveyor of the Highways for the (Parish, etc.) of in the County of

I *A. B. (Constable) Headborough) Tithingman,)* of the said (*Parish, &c.*) do hereby give you Notice, That the Inhabitants of the said (*Parish, etc.*) did, at a Vestry or publick Meeting, held on the Day of One thousand seven hundred agree to take the Benefit of the Indulgence of Three Months, for

not performing their Statute-duty given by the Legislature, in the Act passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment "and Preservation of the Highways," at the Times following; *videlicet*, That they shall not be called upon to perform such Duty between the Day of and the Day of (which they consider as the Seed Month), nor between the Day of and the Day of (which they consider as the Hay Harvest Month), nor between the Day of and the Day of (which they consider as the Corn Harvest Month); [*The like Notice to be given to the Surveyor or Surveyors of the Turnpike Roads, where there are any such within the* (*Parish*, &c.)]

N°. XXIX.

Order of the Justices at their Special Sessions, for the Repair of certain Highways which most want Repair.

Middlesex. *At a Special Sessions, held at in and for the* (Hundred) *of in the said County, the Day of* 17 *by Justices of the Peace for the said County acting within the said* (Hundred.)

To the Surveyors of the Highways for the (Parish, *etc.*) *of in the said* (Hundred).

IT appearing to us, That the Highway, lying between and within your Liberty, is very founderous, and in bad Repair, and being of great publick Use, we do hereby order that you repair, or cause the same to be repaired, before the Day of next.

Given under our Hands and Seals, this Day of 17

N°. XXX.

A Precept for erecting Guide Posts, *etc.*

Middlesex. *At a Special Sessions, held at for the* (Hundred) *of in the said County, before Justices of the Peace for the said County, acting within*

within the said (Hundred), *on the* *Day of* 17

To the Surveyor of the (Parish) *of* *in the said* (Hundred).

YOU are hereby required forthwith to erect, or cause to be erected, in the most convenient Place upon the Highway lying between and within your Liberty, where the Roads cross or branch out, a Guide-post, with proper Inscriptions painted on both Sides thereof, in large legible Letters, denoting the Towns of , and (*or other Places, as the Justices shall think most proper*).

[*Where graduated Stones or Posts are necessary to prevent Accidents from deep Waters, vary it as under:*] [In the most convenient Place upon the Highway, at the Approach or Entrance on each Side of the Ford or Water called at within your (*Liberty*), graduated Posts, denoting the Depth of Water in the deepest Part thereof, through which such Highway passes; and you are allowed to charge the reasonable Expences of providing and erecting the same in your Accounts.]

A. B.
C. D.

No. XXXI.

Notice for holding a Vestry, or other publick Meeting.

NOtice is hereby given, That a Vestry or publick Meeting will be held at on the Day of next, at the Hour of in the noon, in order to consult about the Times when it will be most convenient for the Inhabitants of this (*Parish, etc.*) to be excused from being called forth to perform their Statute-duty, according to the Indulgence given them by the Act, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the "Amendment and Preservation of the Highways."

Dated the Day of 17

A. B. (Constable,) (Headborough,) *etc.*

Presentment

No. XXXII.

Preſentment by a Juſtice of Peace.

Middleſex. AT the General Quarter Seſſions of the Peace of our Lord the King, held for the ſaid County, at in the ſaid County, on *(Tueſday)* the Day of in the Year of the Reign of before Eſquires, and others their Companions, Juſtices of our ſaid Lord the King, aſſigned to keep the Peace in the ſaid County, and alſo to hear and determine divers Felonies, Treſpaſſes, and other Miſdemeanours in the ſaid County committed; *A. B.* Eſquire, One of the Juſtices of our ſaid Lord the King, aſſigned for the Purpoſes aforeſaid, by virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and "Preſervation of the Highways," (upon his own View), or (upon Information, upon Oath, to him given by *C. D.* Surveyor of the Highways for the *(Pariſh, &c.)* of in the ſaid County,) doth preſent, that from the Time whereof the Memory of Man is not to the Contrary, there was, and yet is, a certain common and ancient King's Highway, leading from the Town of in the ſaid *(County, &c.)* towards and unto within the ſame *(County,)* uſed for all the King's Subjects, with their Horſes, Coaches, Carts, and Carriages, to go, return, and paſs, at their Will; and that a certain Part of the ſame King's common Highway, commonly called ſituate, lying and being in the *(Pariſh, &c.)* of in the ſame *(County)*, containing in Length Yards, and in Breadth Feet, on the Day of in the Year of the Reign of and continually afterwards until the preſent Day, was, and yet is, very ruinous, deep, broken, and in great Decay, for want of due Reparation and Amendment, ſo that the Subjects of the King, through the ſame Way, with their Horſes, Coaches, Carts, and Carriages, could not, during the Time aforeſaid, nor yet can, go, return, or paſs, as they ought and were wont to do, to the great Damage and common Nuiſance of all the King's Subjects through the ſame Highway, going, returning, or paſſing, and againſt the Peace of our ſaid

This to be inſerted where it is upon the Information of the Surveyor.

Lord the King, and that the Inhabitants of the (*Parish*, *&c.*) of aforeſaid, in the (*County*) aforeſaid, the ſaid common Highway (*ſo in Decay*) ought to repair and amend, when and ſo often as it ſhall be neceſſary.

In Teſtimony whereof, the ſaid *A. B.* to theſe Preſents hath ſet his Hand and Seal, this Day of in the Year aforeſaid.

N°. XXXIII.

Summons for any Perſon or Perſons to attend a Juſtice or Juſtices.

Middleſex. *To* A. B. *of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid (*County*, *&c.*) by *E. F.* of That, *&c.* [*Here ſtate the Nature and Circumſtances of the Caſe as far as it ſhall be neceſſary to ſhew the Offence, and to bring it within the Authority of the Juſtice, and in doing that, follow the Words of the Act as near as may be*]. Theſe are therefore to require you perſonally to appear before me, (or the Juſtices, to be aſſembled at their Special Seſſions to be holden) at in the ſaid (*County*, *etc.*) on the Day of next, at the Hour of in the noon, to anſwer to the ſaid Complaint and Information, made by the ſaid *E. F.* who is likewiſe directed to be then and there preſent, to make good the ſame: Herein fail not.

Given under my Hand and Seal, this Day of 17

N°. XXXIV.

Information.

Middleſex. BE it remembered, That on the Day of 17 *A. B.* of in the ſaid County, informeth and maketh Oath before me One of His Majeſty's Juſtices of the Peace for the ſaid County, that of in the ſaid County, [*Here deſcribe the Offence, and if it is for Default in performing Statute-duty, ſtate the Duty required, and the Notice given for that Purpoſe, and*

the Neglect according to the Fact, and as near the Words of the Act as may be], contrary to the Statute made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways," which hath imposed a Forfeiture of for the said Offence.

A. B.

Taken and Sworn, the Day of before me,

No. XXXV.

Form of a Conviction.

Middlesex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforesaid, *A. B.* came before me *C. D.* Esquire, One of His Majesty's Justices of the Peace for the said County, and informed me, that *E. F.* of on the Day of now last past, at in the said County, did [*Here set forth the Fact in the Manner described by the Statute*], whereupon the said *E. F.* after being duly summoned to answer the said Charge, appeared before me on the Day of at in the said County, and having heard the Charge contained in the said Information, declared, that he was not guilty of the said Offence; but the same being fully proved upon the Oath of *G. H.* a credible Witness, it manifestly appears to me the said Justice, that he the said *E. F.* is guilty of the Offence charged upon him in the said Information: It is therefore considered and adjudged by me, the said Justice, that the said *E. F.* be convicted, and I do hereby convict him of the Offence aforesaid; and I do hereby declare and adjudge that he the said *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain*, for the Offence aforesaid, to be distributed as the Law directs, according to the Form of the Statute in that Case made and provided.

Given, &c.

After the Words, "Being duly summoned to answer to the said Charge," *insert*, (did not appear before me, pursuant to the said Summons); *or*, (did neglect and refuse to make any Defence against the said Charge, but the same being fully proved, &c.), *as before.*

This to be inserted where the Party refuses to appear upon the Summons.

After

This to be inserted when the Party accused confesses the Charge.

After the Words, "contained in the said Information," *insert,* (acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said Justice, *&c.*) *as above.*

N°. XXXVI.

Warrant to distrain for the Forfeiture.

Middlesex. *To the* (Constable) Headborough) *or* Tithingman) *of*

WHEREAS *A. B.* of in the said County, (*Yeoman*), is this Day convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *G. H.* a credible Witness, for that the said *A. B.* hath, [*Here set forth the Offence, describing it particularly in the Words of the Statute, as near as may be*], contrary to the Statute in that Case made and provided, by reason whereof the said *A. B.* hath forfeited the Sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore, in His Majesty's Name, to command you to levy the said Sum of by Distress of the Goods and Chattels of him the said *A. B.* and if within the Space of Four Days next after such Distress by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale, that you do pay One Half of the said Sum of to *E. F.* of who informed me of the said Offence, and the other Half of the said Sum of to *J. K.* the Surveyor of the Highways, for the (*Parish*) *Township*) or *Place*) where the said Offence, (*Neglect*) or (*Default*,) happened, to be employed towards the Repair of the said Highways, returning the Overplus, upon Demand to him the said *A. B.* (the reasonable Charges of taking, keeping, and selling the said Distress being first deducted); and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of that then you certify the same to me, together with this Warrant.

This to be varied according to the Act, in each particular Case.

Given under my Hand and Seal, the Day of 17.

C. D.

Return

N°. XXXVII.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, when there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, etc.*) of in the (*County*) of do hereby certify and make Oath, that, by virtue of this Warrant, I have made diligent Search for the Goods of the within named and that I can find no ſufficient Goods whereon to levy the within Sum of as Witneſs my Hand, the Day of 17

A. B.

Sworn before me the Day and Year, *etc.* *C. D.*

N°. XXXVIII.

Warrant of Diſtreſs for Nonpayment of Money charged by an Aſſeſſment.

Middleſex. *To the* (Conſtable) Headborough) Tithingman) *of* *in the ſaid* (County).

WHEREAS by an Aſſeſſment made upon the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the (*Pariſh, etc.*) of in the ſaid (*County*), for the Purpoſes of, *etc.* [*as ſtated in the Juſtice's Order*], purſuant to an Order of Juſtices for that Purpoſe, according to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of "the Highways," *A. B.* was charged the Sum of as his Share and Proportion of the ſaid Aſſeſſment, in reſpect of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he occupied within the ſaid (*Pariſh, etc.*): And whereas it appears to me, upon the Oath of that the ſaid Sum of hath been duly demanded from the ſaid *A. B.* and that he hath refuſed to pay the ſame for the Space of Ten Days after ſuch Demand made, theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs

treſs of the Goods and Chattels of the ſaid *A. B.* and if the ſame ſhall not be paid within the Space of Four Days next after ſuch Diſtreſs by you taken, together with the reaſonable Charges of taking and keeping the ſame, that you do then ſell the ſaid Goods and Chattels ſo by you diſtrained; and out of the Money ariſing by ſuch Sale, that you do pay unto *C. D.* the Surveyor of the Highways for the ſaid (*Pariſh, etc.*) of the ſaid Sum of to be employed for the Purpoſes aforeſaid; and that you do return the Surplus thereof to the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs, being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

Given under my Hand and Seal, the Day of

No. XXXIX.

Commitment for want of Diſtreſs.

Middleſex. *To the* (Conſtable) *of in the ſaid County, and to the Keeper of the common Gaol (or,* the Houſe of Correction) *at in the ſaid County.*

WHEREAS *A. B.* of in the ſaid County, (*Yeoman*), was, on the Day of convicted before me, *C. D.* Eſq; One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *E. F.* a credible Witneſs, for that he, the ſaid *A. B.* [*Here ſet forth the Offence*], contrary to the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the "Highways," by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of And whereas, on the Day of in the Year aforeſaid, I did iſſue my Warrant to the (*Conſtable*) of to levy the ſaid Sum of by Diſtreſs and Sale of the Goods and Chattels of him the ſaid *A. B.* and to diſtribute the ſame according to the Directions of the ſaid Statute: And whereas it duly appears to me, upon the Oath of the ſaid (*Conſtable*), that the ſaid (*Conſtable*) hath uſed his beſt Endeavours to levy the ſaid Sum on the Goods and Chattels of the ſaid *A. B.* as aforeſaid, but that no ſufficient Diſtreſs can

can be had whereon to levy the ſame, theſe are therefore to command you, the ſaid (*Conſtable*) of aforeſaid, to apprehend the ſaid *A*, *B*. and him ſafely to convey to the common Gaol, (or, *Houſe of Correction*) at in the ſaid County, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby alſo command you the ſaid Keeper, to receive and keep in your Cuſtody the ſaid *A. B.* for the Space of Three Months, unleſs the ſaid Sum ſhall be ſooner paid, purſuant to the ſaid Conviction and Warrant; and for ſo doing this ſhall be your ſufficient Warrant.

Given under my Hand and Seal, the Day of in the Year of our Lord 17

C. D.

In the Caſe of a Commitment for the Want of Payment of Money due by an Aſſeſſment, it muſt be, (to receive, and keep in your Cuſtody, until he ſhall have paid the ſaid Sum of and the further Sum of being the Coſts and Charges occaſioned by his Neglect in paying the ſame).

N°. XL.

Notice of Appeal to the Quarter Seſſions.

A. B. take Notice, That I intend to appeal to the next General Quarter Seſſions of the Peace to be holden for the (*County, etc.*) of againſt an Order, (*Conviction, or other Proceeding, as the Caſe may be, particularly ſpecifying the Purport of ſuch Order,* etc. *and aſſigning the Grievance, and Cauſe of Complaint.*)

Dated the Day of 17

C. D.

FINIS.