ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXIV.

An Act for varying ſome of the Proviſions in an Act of the Thirteenth Year of His preſent Majeſty's Reign, reſpecting the Publick Highways, within that Part of *Great Britain* called *England*, which relate to the Performance of Statute Duty.

[11th *June* 1794.]

Preamble. 13 *Geo.* III. Cap. 78, in Part recited.

WHEREAS by an Act, made in the Thirteenth Year of His preſent Majeſty's Reign, 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*, Proviſions and Regulations are by a certain Clauſe made and directed to be obſerved, with reſpect to the Duty required from Perſons not keeping Teams, Draughts, or Ploughs, but keeping One or Two Horſes, uſed to draw any Cart or Carts, and alſo with reſpect to the Sums to be paid by Perſons keeping Coaches or other Wheel Carriages, and likewiſe reſpecting the perſonal Labour required from certain Inhabitants of any Pariſh, Townſhip, or Place: And whereas by another Clauſe in the ſaid Act, Perſons liable to perform Statute Duty are impowered to compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the Surveyor certain Sums of Money, as the Juſtices at a Special Seſſions ſhall adjudge and declare to be reaſonable, not exceeding the Sums therein mentioned: And whereas by One other Clauſe in the ſaid Act, the Surveyor, together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and

Hereditaments, within each Pariſh, Townſhip, or Place, are directed, at proper Seaſons in every Year, to uſe their Endeavours for the Repair of the Highways, and to be chargeable thereunto in the Manner therein particularly mentioned; and the ſaid Clauſe alſo directs how the Contributions in Money are to be paid and recovered: And whereas by One other Clauſe in the ſaid Act, the Juſtices, at their Special Seſſions, are impowered to direct the Performance of Team Duty, or Labour in Kind, in any particular Pariſh, Townſhip, or Place, within their reſpective Limits, where they find high and extravagant Prices are required, occaſioned by the Difficulty in procuring neceſſary Carriages, or a ſufficient Number of Labourers for the Repair of the Highways, and directing the Proportions and Manner in which ſuch Team Duty, or Labour in Kind, ſhall be performed: And whereas it is expedient that certain poor Perſons, mentioned in the ſaid Clauſes, ſome or One of them, ſhould be exempted from performing any perſonal Labour, and from paying any Compoſition in lieu thereof, in the Repair of the Highways; and it will be convenient that ſuch Clauſes in the ſaid Act, Parts of which are herein-before recited, ſhould be repealed, and other Proviſions be ſubſtituted in the Place thereof, and that the ſaid Act ſhould in other Reſpects be explained and amended: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninety-four, ſo much of the ſaid Act, of the Thirteenth Year of His preſent Majeſty's Reign, as contains the before-recited Clauſes, ſhall be and is hereby repealed.

and from *Sept.* 29, 1794, recited Part repealed.

Perſons keeping Carts, and Horſes only uſed to draw in them, to perform Statute Duty; and Perſons keeping a Coach, &c. to pay 1s. for each Horſe for each Day's Statute Duty; or pay as herein-after mentioned.

II. And be it further enacted, That, from and after the ſaid Twenty-ninth Day of *September*, 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 herein-after mentioned, 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, 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 herein-after mentioned, at the Option of the 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, at the Option of the Surveyor; and all ſuch

Three Men to be ſent in lieu of a Team, if required, or to pay in lieu thereof.

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 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 before-mentioned), or if any ſuch Labourer or Driver, or the Driver of any Cart required 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 the ſaid Act, in caſe no ſuch Team, Cart, or Labourer reſpectively, had been ſent.

Tools to be brought.

Time of working.

If ſufficient Perſons be not ſent, or if they are idle, the Owner of Team, &c. liable to Penalty.

III. 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 as in the ſaid recited Act is mentioned, ſuch Sum or Sums of Money as the Juſtices of the Peace, for the Limits wherein ſuch Pariſh, Townſhip, or Place, ſhall be, or the major Part of them, at their 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 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.

Compoſition may be made for Teams, &c.

IV. And be it further enacted, That the ſaid Surveyor to be appointed by the ſaid Act, 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,

Proportions of Statute Labour.

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, 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 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; provided that no Perſon keeping ſuch Team, Draught,

Money to be paid in lieu of Statute Duty by certain Perſons.

Sums to be paid.

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: 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 the ſaid Act, or within Ten Days after, or in Default of ſuch Payments the ſaid Surveyor ſhall make Application to a Juſtice of the Peace, acting for the Limit or Diſtrict wherein ſuch Default ſhall be made, and the Juſtice to whom ſuch Application ſhall be made ſhall ſummon the Party ſo making Default to appear at ſome Special or other Petty Seſſions, to be holden for ſuch Limit or Diſtrict, and at which Two Juſtices at the leaſt ſhall be preſent, to ſhew Cauſe why he has refuſed or neglected to pay ſuch Compoſition Money; and in Default of Appearance, or if on Appearance he ſhall not make it appear to the Satisfaction of the ſaid Juſtices that he is poor and indigent, and as ſuch is an Object deſerving Relief, ſuch Money ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons refuſing or neglecting to pay the ſame, in ſuch Manner as the Forfeitures for the Neglect in performing the Statute Duty are hereby authorized to be levied and raiſed: Provided always, that when, on Application as above-mentioned, the Juſtices ſhall think proper to diſcharge any poor and indigent Perſon from Payment of the Rate or Compoſition Money, ſuch Perſon ſhall at the ſame Time be diſcharged from any Expences which may ariſe in conſequence of ſuch Summons and Appearance.

Perſons keeping, Teams &c. and performing Duty in the Place of Reſidence, and not occupying Premiſes of the Yearly Value of 30 *l.* not liable to ſend more than One Labourer.

Sums to be deemed Compoſitions, and paid to the Surveyor, &c.

Juſtices to ſummon Defaulters, &c.

Poor Perſons diſcharged from Payment of the Rate to be diſcharged from Expences.

V. And whereas it may frequently happen, that Perſons wholly gaining their Livelihood by the Wages of daily Labour, and occupying rateable Tenements within a Pariſh, Townſhip, or Place, by reaſon of Age, Sickneſs, a numerous Family, or Misfortune, may be in poor and indigent Circumſtances, and it may be expedient, in certain Caſes, to diſcharge ſuch poor and indigent Perſons from all Rates, Aſſeſſments, or Compoſition whatſoever, impoſed by Authority of the above-recited Act; be it further enacted, That on the Application of any poor and indigent Perſon to be diſcharged from the Payment of the Rate or Compoſition, made to any Two Juſtices of the Peace, at any Special or Petty Seſſions, held for the Limits wherein ſuch poor and indigent Perſon ſhall reſide, the ſaid Juſtices (having firſt given Notice to the Surveyor of the Highways to appear on the Part of the Pariſh, Townſhip, or Place, in which ſuch poor Perſon ſhall reſide) ſhall inquire and examine into the Situation and Circumſtances of the Perſon making ſuch Application; and if it ſhall appear to the Satisfaction of ſuch Juſtices that ſuch Perſon is really poor and indigent, and a deſerving Object of ſuch Relief, the ſaid Juſtices may, and they are hereby impowered to exempt ſuch poor and indigent Perſon from the Payment of all Rates, Aſſeſſments, or Compoſition whatſoever, impoſed by the ſaid recited Act.

Juſtices may exempt Poor Perſons from Payment of the Rates.

VI. 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, or at any other Special or Petty Seſſions

Juſtices may direct Team Duty to be performed in Kind.

Seſſions, held within the Limits of any Pariſh, Townſhip, or Place, at which Two or more Juſtices ſhall be preſent, 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, 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, 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 all ſuch Perſons as ſhall gain their Living by the Wages of daily Labour, or ſuch Part of them as they ſhall think fit, to perform Six Days Labour upon ſuch Highways in Kind, either by themſelves or other ſufficient Labourers, 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; provided that if 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, or 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 then 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, 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 anywiſe notwithſtanding.

Exception.

Labourers may be ordered to do Statute Duty on Payment of the uſual Wages.

Perſons to perform Duty in Kind to be drawn by Lot.

VII. And be it further enacted, That all the Clauſes, Powers, and Proviſions, contained in the ſaid Act of the Thirteenth Year of His preſent Majeſty's Reign (except ſuch as are hereby repealed or altered) ſhall continue in Force, in the ſame Manner as if the ſame were repeated and re-enacted in the Body of this preſent Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Recited Act of 13 *Geo.* III. except hereby altered, to continue in force.

FINIS.