Anno ſeptimo

Georgii III. Regis.

CAP. XLII.

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 Public Highways of this Kingdom; and for other Purpoſes therein mentioned.

WHEREAS the ſeveral Statutes now in being for the Amendment and Preſervation of the Highways of this Kingdom, are very numerous, and, in ſome Reſpects, ineffectual: And whereas the good Purpoſes thereby intended might be better effected, if the ſaid Statutes were entirely repealed, and reduced into One Act; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and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 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 or Surveyors of the Highways, and Houſholders, being aſſeſſed to any Parochial or Public Rate, of every Pariſh, Townſhip, or Place, for which Surveyors of the Highways have been uſually appointed, ſhall aſſemble together at the Church or Chapel of ſuch Pariſh, Townſhip,

Preamble.

Annual Liſts to be made out in *September* yearly of a certain number of Perſons,

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ſhip, 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 Qualification 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 return ſuch Liſt unto Two or more Juſtices of the Peace of the County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, in which ſuch Pariſh, Townſhip, or Place, ſhall be, at their Special Seſſions to be held for that Purpoſe, on the Firſt Monday in October next following, or within Fifteen Days after, in every Year; and ſhall alſo, within Three Days after the making the ſaid Liſt, 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 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 authorized and required to hold ſuch Special Seſſions at ſuch convenient Place or Places within their reſpective Juriſdictions, 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 Large-

qualified to ſerve as Surveyors of the Highways;

The Liſts to be returned to the Juſtices at their Special Seſſions in *October*;

and Notice to be given to the Perſons named therein to attend.

The Juſtices are to give timely Notice of holding the ſaid Seſſions;

Largeneſs of the Pariſh, Townſhip, or Place reſpectively, by Warrant under their Hands and Seals, ſhall nominate or appoint One, or Two, or more of ſuch Perſons as aforeſaid, to be Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place reſpectively, for the Year enſuing; which Nomination and Appointment ſhall, by the Conſtables, Headboroughs, or Tythingmen aforeſaid, be notified to the Perſon or Perſons ſo nominated, choſen, and appointed, by the ſaid Juſtices, within Three Days after ſuch Nomination, by ſerving him or them with the ſaid Warrant or Warrants, or by leaving the ſame, or a true Copy thereof, at his or their Houſe or Houſes, or uſual Place or Places of Abode; and the Perſon or Perſons ſo nominated and appointed, ſhall be Surveyor or Surveyors of the Highways for the Pariſh, Townſhip, or Place, for which he or they ſhall have been ſo nominated and appointed, for the Year enſuing, and ſhall take upon him or them, 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 the Directions of this Act: And if any of the ſaid Perſons ſo nominated, and ſerved with the ſaid Notice, ſhall refuſe or neglect to appear and accept the ſaid Office, if appointed thereto in Manner aforeſaid, at the ſaid Special Seſſion, or ſhall not, within Six Days after being ſerved with ſuch Warrant of Appointment, ſignify his or their Acceptance thereof, either in Perſon, or by Writing, to One of the ſaid Juſtices; he or they, ſo refuſing or neglecting, ſhall forfeit the Sum of Five Pounds: And in caſe of ſuch Neglect or Refuſal as aforeſaid, the ſaid Juſtices, or any Two of them, are hereby impowered at the ſame Seſſions, or at any Time afterwards, to nominate and appoint ſome other fit Perſon or Perſons named in the ſaid Liſt, to perform the ſaid Office; who, upon being ſerved with the Warrant for his or their Appointment, in Manner aforeſaid, ſhall, within One Week afterwards, ſignify to the ſaid Juſtices, or One of them, either in Perſon, or by Writing, his or their Acceptance of the ſaid Office; and if he or they neglect or refuſe ſo to do, he or they ſhall forfeit the like Sum of Five Pounds reſpectively: And in caſe no ſuch Liſt ſhall be returned, or the Perſon ſo nominated and appointed ſhall not take upon him the ſaid Office, or ſhall die in the Execution thereof; the ſaid Juſtices, or any Two of them, ſhall and may nominate and appoint ſuch Perſon or Perſons as he or they ſhall think proper to execute the ſame: And if the Conſtables,

and are to nominate ſuch a Number to be Surveyors, as they ſhall judge neceſſary;

and the Conſtables are to notify ſuch Nomination accordingly.

Office of Surveyor to be for 1 Year;

and the Juſtices are to give them a Charge.

Where the Perſons nominated neglect or refuſe to ſerve, they forfeit 5*l.*

and others are to be appointed;

and they, neglecting or refuſing, forfeit 5*l.* likewiſe.

If no Liſt be returned, or the Perſons refuſe to ſerve, or die in their Office; the Juſtices are to appoint ſuch as they think proper.

40ſ. Penalty on not making, or returning, ſuch Liſts, or giving due Notice, &c. to the Parties.

Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highway, and ſuch Houſholders as aforeſaid, of any Pariſh, Townſhip, or Place, ſhall neglect or refuſe to make ſuch Liſt as aforeſaid, or if the Conſtables, Headboroughs, or Tythingmen, of any Pariſh, Townſhip, or Place, or ſome or One of them, ſhall not return the ſaid Liſt of Names when made, and give ſuch Notice or Notices, and ſerve ſuch Warrant or Warrants, as in this Act is directed; every of them ſo neglecting or refuſing in any of the ſaid Caſes, ſhall, for every ſuch Default reſpectively, forfeit the Sum of Forty Shillings.

Where a Choice ſhall be made of a Perſon of Skill and Experience to ſerve, with a Salary ſettled for his Trouble,

and he be returned, together with the Liſt,

Provided always, and be it further enacted, That if Two Parts out of Three of the Perſons 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, to be allowed as hereafter directed, 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 on the Firſt Monday in October as aforeſaid, or within Fifteen Days after; 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; which Surveyor ſo appointed ſhall, in all Reſpects, have the ſame Power and Authority, and be liable to the ſame Penalties and Forfeitures for Neglect of Duty, as if he had been choſen and appointed from the Liſt to be returned as aforeſaid: And the ſaid Juſtices ſhall likewiſe, in their Diſcretion, allow ſuch Salary, ſo ſettled as aforeſaid (ſuch Salary to be paid out of the Penalties, Forfeitures, and Compoſition money, to ariſe by virtue of this Act, within the Year enſuing).

the Juſtices, if they think proper, may appoint ſuch Perſon;

and allow ſuch Salary;

the ſame to be paid out of the Penalties, &c.

No Tree or Buſh to be allowed to grow or ſtand within 15 Feet of the Center of the Highway,

on Forfeiture of 10ſ. by the Owner.

And be it further enacted, That no Tree, Buſh, or Shrub, ſhall be permitted to ſtand or grow in any Highway within the Diſtance of Fifteen Feet from the Center thereof; but the ſame ſhall be cut down, grubbed up, and carried away, by the Owner or Owners 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.

Regulations to be obſerved by the Poſſeſſors of Land

And be it further enacted, That the Poſſeſſors of the Land next adjoining to any Highway ſhall, from time to time,

time, and at all Times, keep their Hedges plaſhed, cut, or pruned, right up from the Roots, ſo as no Tree, Buſh, or Shrub, belonging to ſuch Hedge, ſhall ſtand or grow in, nor any Bough or Branch of any ſuch Tree (except of Timber Trees, and Trees not being Pollards) be ſuffered to hang over, any Highway, not being Thirty Feet broad; and 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, Platts, or Bridges, ſhall be made and laid where any Cart-ways 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 or Surveyors, ſhall forfeit the Sum of Ten Shillings.

next adjoining to any Highway, with reſpect to keeping their Hedges,

Ditches, Drains, Watercourſes,

Trunks, Tunnels, Platts, or Bridges, in proper Order;

and by the Occupiers of adjoining Grounds:

Penalty on Default, 10s.

And be it further enacted, That no Perſon or Perſons ſhall lay in any Highway any Stone, Timber, Straw, Dung, or other Matter; and no Perſon making, ſcouring, or cleanſing, ſuch 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 Ten Days; and every Perſon or Perſons offending in either of the ſaid Caſes, ſhall, for every Offence, forfeit and pay the Sum of Ten Shillings.

No Stone or other Matter to be laid in the Highway; or Soil of Ditches; to the Obſtruction or Prejudice thereof, on Penalty of 10s;

And be it further enacted, That if any Stone, 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, whereby the ſame ſhall be any ways obſtructed or annoyed, it ſhall and may be lawful for the Owner or Poſſeſſor of the Lands adjacent, or any other Perſon or Perſons whatſoever, to clear the ſaid Highways, by removing the ſaid Stone, Hay, Straw, Dung, or other Matter, and to have, take, and diſpoſe of, the ſame to his and their own Uſe.

and where any Thing, not hereby tolerated, ſhall be ſo laid, within 15 Feet of the Centre,

the Owner of the adjacent Lands may remove,

and diſpoſe of the ſame to his own Uſe.

Penalty of cauſing any Obſtruction in the Highways by Carriages, or Implements of Huſbandry, 10*s.*

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 any 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) 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.

Surveyor's Duty, on taking a View of the State and Condition of the Roads and Highways within his Diſtrict, in reſpect of Nuiſances, Incroachments, Obſtructions, or Annoyances;

And be it further enacted, That the Surveyor or Surveyors of the Highways, to be appointed by virtue of this Act, ſhall, at ſuch Times and Seaſons as they ſhall judge proper, view all the Roads, Common Highways, Trunks, Tunnels, Platts, Bridges, Cauſeways, and Pavements, within the Pariſh, Townſhip, or Place, for which he or they ſhall be appointed Surveyor or Surveyors; and in caſe he or 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; he or 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 Places of Abode, ſpecifying the Particulars wherein ſuch Nuiſances, Defaults, Obſtructions, or Annoyances, conſiſt:

wherein he is to give Notice to the Parties to remove the ſame;

And if ſuch Nuiſances, Obſtructions, or Annoyances, ſhall not be removed, and the Ditches, Drains, Gutters, and Watercourſes aforeſaid, effectually made, ſcoured, cleanſed, and opened, and ſuch Trunks, Tunnels, Platts, or Bridges, made and laid, and ſuch Hedges properly cut and pruned, within Twenty Days after ſuch Notice of the ſame reſpectively given; then the ſaid Surveyor or Surveyors ſhall be, and he and they is and are hereby, fully authorized and impowered, within Twenty Days afterwards, to remove ſuch Nuiſances, Obſtructions, or Annoyances, and open, cleanſe, and ſcour, ſuch Ditches, Gutters, and Watercourſes, and make or amend ſuch Trunks, Tunnels, Platts, or Bridges, and cut and prune ſuch Hedges, for the Benefit and Improvement of the ſaid Highways, to the beſt of his or 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

and if they neglect, he is to employ Men to do it;

in which Caſe, the Defaulters forfeit 1*d.* per Foot, over and above the Charges to be reimburſed to the Surveyor;

Notice given, ſhall forfeit, for every Foot in Length which ſhall be ſo neglected, the Sum of One Penny; and the ſaid Surveyor or Surveyors ſhall be reimburſed what Charges and Expences he or 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, Platts, 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 or Surveyors his or their Charges and Expences occaſioned thereby reſpectively, then the ſaid Surveyor or Surveyors ſhall apply to any Juſtice of the Peace as aforeſaid; 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 or Surveyors, and of the Expences attending the ſame, the ſaid Surveyor or Surveyors ſhall be repaid by ſuch Perſon or Perſons all ſuch his or their 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.

and if not paid on Demand, to be levied by Warrant of a Juſtice.

Provided nevertheleſs, That no Perſon or Perſons 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 February; 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, June, or July; or any Aſh, Elm, or other Trees, in any other Months than the Months of December, January, or February.

Times of cutting Hedges;

and of felling Timber Trees,

Oak Trees,

Aſh and Elm, &c. growing in the Hedges or 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 Surveyor or Surveyors (by the Order of any One or more of the ſaid Juſtices)

Surveyor is to make new Ditches, Drains, Gutters, or Watercourſes, where the old are inſufficient, and to keep the ſame ſcoured, cleanſed, and opened;

to make new Ditches and Drains in and through the ſaid Lands or Grounds adjoining or lying near to ſuch Highway, 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 Surveyor or Surveyors, and his and their Workmen, are hereby authorized to go upon the ſaid Lands for the Purpoſes aforeſaid: Provided that the ſaid Surveyor or Surveyors make proper Trunks, Tunnels, Platts, 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 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.

with proper Trunks, Tunnels, Platts, Bridges, or Arches, over the ſame;

making Satisfaction to the Owner, &c. of the Lands.

And be it further enacted, That the ſaid Surveyor or Surveyors of the Highways ſhall, and they are hereby required to make every Cartway, leading to any Market Town, Twenty Feet wide at the leaſt, if the Ground, between the Fences incloſing the Road, will admit of the ſame; and, from time to time, to repair and ſuſtain the ſame to the Breadth aforeſaid; and that where Horſe Cauſeways are uſed, or ſhall be judged proper, they ſhall not be leſs than Three Feet in Breadth.

He is to make the Cartways leading to Market Towns, 20 Feet wide at leaſt,

and the Horſe Cauſeways 3 Feet, and keep the ſame in Repair.

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 Peace, that the Ground or Soil of any Highway between the Fences thereof is not of ſufficient Breadth, they ſhall, and are hereby impowered, within their reſpective Juriſdictions, to order the ſame to be enlarged or widened in ſuch Manner as they ſhall think fit, ſo that the ſaid Highway, when enlarged, ſhall not exceed Thirty Feet in Breadth; and that the ſaid Power do not extend to pull down any Houſe or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard: And for the Satisfaction of the Perſon or Perſons, Bodies Politick or Corporate, who are ſeized 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 Highway, the ſaid Surveyor or Surveyors,

Two or more Juſtices may order narrow Roads to be widened to a ſufficient Breadth.

Surveyor in ſuch Caſes, under the Direction, and with the Approbation of the ſaid Juſtices, is to make Agreement with the Owners of the Soil, for the Recompence;

veyors, under the Direction and with the Approbation of the ſaid Juſtices, ſhall, and are hereby impowered, to make an Agreement with him, her, or them, for the Recompence to be made for ſuch Ground, and for the making a new Ditch and Fence on that Side of the Highway which ſhall be ſo enlarged, according and in Proportion to their ſeveral and reſpective Intereſts therein; and alſo with any other Perſon or Perſons, Bodies Politick or Corporate, that may be injured by the enlarging ſuch Highway, for the Satisfaction to be made to him, her, or them, reſpectively, as aforeſaid: And if the ſaid Surveyor or Surveyors, 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 and 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 County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, wherein ſuch Ground ſhall lie, upon Certificate, in Writing, ſigned by the Juſtices making ſuch View as aforeſaid, of their Proceedings in the Premiſſes, and upon Proof of Six Days Notice in Writing having been given by the Surveyor or Surveyors of ſuch Pariſh, Townſhip, or Place, or One of them, 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 Thirty 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 a new Ditch and Fence to that Side of the Highway that ſhall be ſo enlarged; and alſo Satisfaction to any Perſon or Perſons, Bodies Politick or Corporate, that may be otherwiſe injured by the enlarging the ſaid Highways: And upon Payment or Tender of the Money ſo to be awarded and aſſeſſed, to the Perſon or Perſons, Bodies Politick or Corporate,

and for making new Ditches and Fences;

and if he can't agree, the Damage and Recompence is to be aſſeſſed by a Jury;

and upon Payment or Tender of the Money aſſeſſed, &c.

rate, intitled to receive the ſame, or leaving it in the Hands of the Clerk of the Peace of ſuch County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, in caſe ſuch Perſon or Perſons, Bodies Politick or Corporate, cannot be found, or ſhall refuſe to accept the ſame, for the Uſe of the Owner, or of 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 One or more Aſſeſſment or Aſſeſſments to be made, levied, and collected, upon all and every the Occupiers of Lands, Tenements, 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 toward the purchaſing the Land to enlarge the ſaid Highways, and for the making the ſaid Ditches and Fences: And the ſaid Aſſeſſment or Aſſeſſments, 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 or Surveyors, by Diſtreſs and Sale of the Goods of the Perſons ſo aſſeſſed, rendering the Overplus of the Value of the Goods ſo diſtrained to the Owner or Owners thereof, the neceſſary Charges of making ſuch Diſtreſs and Sale

the Parties are deemed diveſted of their Intereſts (except with regard to certain Particulars) and the Ground from thenceforth is to be deemed a publick Highway.

Where there is not Money ſufficient for the above Purpoſes in the Surveyor's Hands, it is to be raiſed by Aſſeſſments by Order of the ſaid Juſtices, or the Quarter Seſſions.

being firſt deducted; provided that no ſuch Aſſeſſment or Aſſeſſments to be made in any One Year ſhall exceed the Rate of Six Pence in the Pound of the yearly Value of the Lands, Tenements, and Hereditaments, ſo aſſeſſed.

If the Recompence aſſeſſed by the Jury be greater than that offered by the Surveyor,

And be it further enacted, That in caſe ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment 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 or Surveyors of the ſaid Highway out of the Monies in his or their Hands, or to be aſſeſſed and levied as aforeſaid, by Virtue, and under the Powers, of this Act: But if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment 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.

the Expence of the Proceedings is to be paid by the Surveyor;

if otherwiſe, the Parties refuſing are to pay the ſame.

Surveyor is to make Report of ſuch defective Highways, Bridges, &c. as ought to be repaired by particular Perſons:

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; and the ſaid Juſtices ſhall limit a Time for repairing the ſame; of which Notice ſhall be given, by the ſaid Surveyor or Surveyors, 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 Politic 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 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

Meaſures to be taken by the Juſtices thereupon.

Peace for the County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, 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 County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, and to be paid out of the general Rates within ſuch Juriſdiction.

Juſtices of Aſſize, and Juſtices of the Peace, impowered to make Preſentments to the Aſſizes, or General Quarter Seſſions, of any defective Highways, Cauſeways, or Bridges; or of any other Defaults or Offences againſt this Act;

And be it further enacted, That every Juſtice of Aſſize, Juſtice of the Counties Palatine of Cheſter, Lancaſter, and Durham, and of the Great Seſſions in Wales, and Juſtice of the Peace, ſhall have Authority by this Statute, upon his or their own View, and the Juſtice of the Peace, upon Information upon Oath to him given by any Surveyor or Surveyors of any Highways reſpectively, to make Preſentment at their reſpective Aſſizes, or Great Seſſions, or in the open General Quarter Seſſions of ſuch reſpective County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, 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

and to aſſeſs thereupon, ſuch Fines as they ſhall think meet;

ſaving, to the Perſons affected, their lawful Traverſe to ſuch Preſentments.

the Fact of Non-repair, 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 Jury; and the Juſtices of the Peace at their General Quarter Seſſions, or the major Part of them (ſuch major Part not being leſs than Five) may, if they ſee juſt Cauſe, direct the Proſecution upon ſuch Preſentments as ſhall be made at the Quarter Seſſions as afore ſaid, to be carried on at the general Expence of ſuch County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, and to be paid out of the general Rates within ſuch Juriſdiction.

Juſtices, at their Special Seſſions, may order thoſe Roads to be firſt repaired that moſt want it.

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 Roads which do moſt want Repair, within their Juriſdiction, to be firſt amended, and at what Time, or in what Manner, the ſame ſhall be performed; 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.

Complaint of Neglect of Duty, &c. in Surveyors, may be enquired into by Two Juſtices, who may make ſuch Order thereupon as ſhall be neceſſary.

And be it further enacted, That it ſhall and may be lawful for the ſaid Juſtices, or any Two or more of them, within their reſpective Juriſdictions, upon Complaint made to them by any Perſon or Perſons, upon Oath, againſt any Surveyor or Surveyors, for any Neglect or Default made in the Performance of his or their Duty required by this Act, to ſummon ſuch Surveyor or Surveyors to appear before them at ſuch Time and Place as they ſhall appoint by ſuch Summons; and then and there to examine and inquire into the ſame, upon Oath, and to make ſuch Order for the enforcing of this Act, and the Powers and Authorities hereby given, as to them ſhall ſeem meet.

Juſtices impowered to order proper Direction Poſts to be ſet up where ſeveral Highways meet,

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 or Surveyors of the Highways, in the Pariſh, Townſhip, or Place, where ſeveral Highways meet, and there is no proper or ſufficient Direction Poſt or Stone already fixed or erected, requiring them forthwith to cauſe to be erected or fixed in the moſt convenient Place where ſuch Ways meet, a Stone or Poſt, with an Inſcription thereon, in large legible Letters, containing the Name or Names of the next Market Town or Towns, or other conſiderable Place, to which the ſaid Highways

and at the Approaches to ſuch Parts as are ſubject to deep or dangerous Floods, and where neceſſary for guiding Travellers in the beſt and ſafeſt Tract:

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 Tract through the ſaid Floods or Waters; and the ſaid Surveyor or Surveyors ſhall be reimburſed the 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 Surveyor or Surveyors ſhall, by the Space of Three Months after ſuch Precept to him or them directed and delivered, neglect or refuſe to cauſe any ſuch Stone or Poſt to be fixed as aforeſaid; every ſuch Offender ſhall forfeit the Sum of Twenty Shillings.

Surveyor neglecting his Duty therein, forfeits 20 s.

Surveyor impowered to take Materials for Repair of the Highways from any neighbouring Quarries, Commons, Waſte Grounds, Rivers, or Brooks;

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 they ſhall be Surveyors (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 or Surveyors, for the Uſe aforeſaid, in any Common or Waſte Land or Ground, River or Brook, therein, within the Pariſh, Townſhip, or Place, where he or they ſhall be Surveyor or Surveyors, or within any other Pariſh, Townſhip, or Place, wherein Gravel, Sand, Chalk, Stone, or other Materials, are reſpectively likely to be found, to ſearch for, dig, and get the ſame; ſo that the ſaid Surveyors do not thereby 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 Pond, Dam, or Wear; and likewiſe to gather Stones lying upon any Lands or Grounds within the Pariſh, 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

tials as, by the Diſcretion of the ſaid Surveyor or Surveyors, ſhall be thought neceſſary to be employed in the Amendment of the ſaid Highways, without making any Satisfaction for the ſame.

and where ſufficient can't be had in ſuch Places, then from private Grounds;

And be it further enacted, That it ſhall and may be lawful for every ſuch Surveyor or Surveyors 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 Commons or Waſte Lands) in any of the ſeveral or incloſed Lands or Grounds of any Perſon or Perſons whomſoever, within the Pariſh, Townſhip, or Place, for which he or they ſhall be appointed Surveyor or Surveyors as aforeſaid, (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 or Surveyors, ſhall be thought neceſſary to be employed in the Amendment of the ſaid Highways; the ſaid Surveyor or Surveyors 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 or them, and the Owner, Occupier, or other Perſon intereſted in ſuch Lands or Grounds, 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 County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, where ſuch Land or Ground ſhall lie.

making ſuch Satisfaction to the Owners as ſhall be agreed upon,

or otherwiſe, as the Juſtices ſhall direct.

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 Commons or Waſte Lands of any other Pariſh, Townſhip, or Place, lying within a convenient Diſtance from ſuch Highway; by reaſon whereof, the Surveyor or Surveyors 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 thereof: And whereas no Proviſion is made for raiſing a Fund to reimburſe the Expences which the ſaid Surveyors may incur by erecting Guide Poſts, and by rendering Satisfaction for Damages done to Lands by the making of new Ditches or Drains; be it therefore enacted, That upon Application by ſuch Surveyor or Surveyors, to the Juſtices of the Peace at their Special Seſſions, and Oath made

Expences incurred by Surveyors in effecting the Purpoſes aforeſaid, are to be reimburſed by a Rate on the Inhabitants of the Place,

of the Sum or Sums of Money which he or they have or hath bona fide laid out and expended for the Purpoſes aforeſaid, the ſaid Juſtices, or any Two of them, ſhall, and are hereby impowered, by Warrant under their Hands and Seals, to cauſe an equal Rate to be made, for the reimburſing the ſaid Surveyor or Surveyors ſuch Sum or Sums of Money, upon all the Occupiers of Lands, Tenements, and Hereditaments, within ſuch Pariſh, Townſhip, or Place, where ſuch Money ſhall be ſo expended or laid out, according to the Rules and Methods preſcribed in an Act of Parliament made in the Forty third Year of the Reign of the late Queen Elizabeth, intituled, An Act for the Relief of the Poor, which Rate, being confirmed and allowed by the ſaid Juſtices, ſhall be collected by the ſaid Surveyor or Surveyors of the Highways; and if any Perſon or Perſons refuſe to pay the Money ſo aſſeſſed on him or them, that then the ſame ſhall be levied by the ſaid Surveyor or Surveyors, by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo refuſing, rendering to the Party the Overplus (the reaſonable Charges of making ſuch Diſtreſs being firſt deducted.)

according to the Rules preſcribed in Act 43 *Eliz.*

And be it further enacted, That if any ſuch Surveyor, or Perſon employed by him, ſhall, by reaſon of the ſearching for, digging, or getting, any Gravel, Sand, Stones, Chalk, 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 any ſuch Pit or Hole ſhall be opened or made where no Gravel, Stone, or Materials, ſhall be found, cauſe the ſame to be forthwith filled up and levelled; 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 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 or Surveyors, Perſon or Perſons, ſhall neglect to fence off ſuch Pit or Hole, or to ſlope down the ſame, as herein before directed,

Rules to be obſerved by Surveyors and others, with reſpect to the fencing, filling up, and ſtopping Holes made in digging for, or getting Materials for Repairs of the Roads.

Forfeiture for every Neglect or Default therein, 10*s.*

and, for any Default after Notice,

ed, for the Space of Ten Days after he or they ſhall have received Notice for either of thoſe Purpoſes from any Juſtice of 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 Pit or 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 leſs than 40*s.* but not more than 10*l.*

to be applied to the above Purpoſes.

And be it further enacted, That the ſaid Surveyor or Surveyors to be appointed as aforeſaid, together with the Inhabitants and Occupiers of Lands, Tenements, 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 Team, Draught, or Plough, in ſuch Pariſh, Townſhip, or Place, ſhall, Six Days in every Year, to be computed from Michaelmas to Michaelmas, find and ſend, on every Day, and at every Place, to be appointed by the Surveyor or Surveyors 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 meet to carry Things convenient for that Purpoſe, and alſo Two able Men with each Wain, Cart, or Carriage reſpectively; and every Perſon occupying Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or above, ſhall, in like Manner, 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 (except in thoſe Parts of this Kingdom where Carts with ſingle Horſes are generally uſed; and in ſuch Places every ſuch Perſon ſhall, in like Manner, ſend Two Carts, with One Horſe and One able Man to each Cart) and in like Manner for every Fifty Pounds per Annum reſpectively

Regulations with regard to Statute-work in general;

how every Perſon is to be rated; the Number of Days Work he is to perform; and the Number of Hours in each Day.

which

which he, she, or they, shall so occupy in such Parish, Township, or Place; and shall likewise find and send One sufficient Labourer, for every Ten Pounds per Annum which he, she, or they shall occupy, above the annual Value of Fifty Pounds, and less than One hundred Pounds; and so for every Ten Pounds that each progressive and intermediate annual Value of Ten Pounds shall fall short of the further Increase of Fifty Pounds; and every Person or Persons occupying Lands, Tenements, or Hereditaments, in any Parish, Township, or Place, of the yearly Value of Ten Pounds, and under the yearly Value of Fifty Pounds, who shall not keep such Team, Draught, or Plough, shall find and send One sufficient Labourer for every Ten Pounds per Annum which he, she, or they shall so occupy, upon every of the said Days, and at every Place so to be appointed by the said Surveyor or Surveyors as aforesaid; and every Person or Persons not keeping a Team, Draught, or Plough, but occupying Lands, Tenements, or Hereditaments, under the yearly Value of Ten Pounds, in every Parish, Township, or Place, and also every Man inhabiting therein respectively, and being of the Age of Eighteen, and under the Age of Sixty five Years, not being an Apprentice or menial Servant, nor 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 or Surveyors, together with the said other Labourers, work and labour in the Amendment of the said Highways, as they shall be directed by such Surveyor or Surveyors: And if the said Carriages, or any of them, shall not be thought needful by the Surveyor or Surveyors, on any of the said Days; then every such Person, who should have sent and found any such Carriage, shall, according to the Notice to be given as herein after directed, send unto the said Work for every Carriage so spared, Three able Men, there to Labour, as aforesaid, or pay to the said Surveyor or Surveyors the Sum of Four Shillings and Six Pence, 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 or Surveyors, for Eight Hours in every of the said Days, within such Parish, Township,

Power to change Carriages for Men, where thought needful by the Surveyor;

or a certain Sum to be paid in lieu thereof.

Such Men to furnish their own Tools.

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.

Duty of Surveyors, in giving timely Notice to the Perſons liable to perform Statute-work.

And be it further enacted, That every ſuch Surveyor or Surveyors 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 aforeſaid, 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, or in performing the ſaid Duty, at the Time and Place, and in the Manner before directed, or in paying the Compoſition for the ſame, as herein after mentioned, ſhall, for every ſuch Default or Neglect, forfeit the Sum of Ten Shillings; and every Perſon or Perſons making Default in ſending any ſuch Labourer, or in performing ſuch Labour, at the Time and Place, and in the Manner, before directed, or in paying ſuch Compoſition-money for the ſame as herein after mentioned, ſhall, for every ſuch Neglect, forfeit the Sum of One Shilling and Six Pence; and the ſaid Surveyor or Surveyors, 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 aforeſaid, without Favour or Partiality to any Perſon or Perſons whomſoever; and the ſaid Surveyor or Surveyors, or One of them, may and ſhall, and he and they is and are hereby required, within Twenty one Days after every ſuch Default made in Performance of ſuch Duty or Labour as aforeſaid, or paying ſuch Compoſition-money for the ſame reſpectively as herein after mentioned, to proceed for the Recovery of the Penalty or Forfeiture hereby inflicted for the ſame reſpectively, in Manner herein after directed.

Defaulters, after ſuch Notice, forfeit 10*s. per Diem* for each Carriage and Man not ſent to work;

and Labourers 1*s.* 6*d. per Diem.*

Duty and Labour to be fairly and equally demanded;

and the Penalties and Forfeitures, within 21 Days after Default.

Terms on which the ſeveral Perſons, liable to perform Statute-work, may be admitted to compound for the ſame.

Provided always, and be it further enacted, That any Perſon or Perſons liable to perform the ſaid Duty by ſending a Wain, Cart, or Carriage, 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 or Surveyors, or One of them at leaſt, Two Days before the Firſt Day on which ſuch Duty ſhall by ſuch Notice be required to be performed, ſuch Sum or Sums of Money as the Juſtices of the Peace for the County, Riding, Diviſion,

City, Corporation, Precinct, or Liberty, wherein ſuch Pariſh, Townſhip, or Place, ſhall be, or the major Part of them, at their ſaid Special Seſſions, to be held on the Firſt Monday in October, or within Fifteen Days next following, in every Year, ſhall adjudge and declare to be reaſonable, not exceeding Six Shillings, nor leſs than Three Shillings, for each Day; and, in Default of their adjudging and declaring the ſame, the Sum of Four Shillings and Six Pence, for and in lieu of every ſuch Day's Duty; and that any Perſon or Perſons liable to ſend a Labourer or Labourers in reſpect of his, her, or their occupying Lands, Tenements, or Hereditaments, of the yearly Value of Ten Pounds or upwards, by ſuch Progreſſion as aforeſaid, ſhall and may compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the Surveyor or Surveyors, or One of them, for every Ten Pounds per Annum, the Sum of Eight Pence; and every Houſeholder, or other Perſon or Perſons, occupying Lands, Tenements, or Hereditaments, under the yearly Value of Ten Pounds, and above the yearly Value of Three Pounds, ſhall and may compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the ſaid Surveyor or Surveyors, or One of them, the Sum of Six Pence; and every other Inhabitant, liable to perform ſuch Duty or Labour as aforeſaid, ſhall and may compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the ſaid Surveyor or Surveyors, or One of them, the Sum of Four Pence, for and in lieu of every ſuch Day's Duty or Labour reſpectively, at leaſt Two Days before the Firſt Day on which ſuch Duty or Labour ſhall, by ſuch reſpective Notices, be ſo required to be performed.

Duty of Surveyors, in reſpect of giving Notice of the Time and Place of admitting Perſons to compound.

Provided alſo, and be it further enacted, That the Surveyor or Surveyors of every Pariſh, Townſhip, or Place, where the Number of Inhabitants liable to perform ſuch Duty ſhall conſiſt of Two hundred Perſons or upwards, ſhall, on the Firſt or Second Sunday in January in every Year, cauſe Ten Days Notice at the leaſt to be given in the Church or Chapel of ſuch Pariſh, Townſhip, or Place, of the Time and Place when and where the Perſons inclined to compound for the ſaid Duty, in Manner aforeſaid, may pay their Compoſition-money; and all and every Perſon or Perſons who ſhall pay the Compoſition authorized and allowed by this Act, purſuant to ſuch Notice, ſhall be diſcharged from the Performance of ſuch Duty, and the Forfeitures hereby impoſed for his, her, or their Default

therein; and that, in ſuch Pariſh, Townſhip, or Place, where ſuch Notice ſhall be given as aforeſaid, no Compoſition ſhall be permitted, unleſs the ſame ſhall be paid at the Day, or within the Time, to be expreſſed in ſuch Notice: But in Caſes where the Occupation of any Lands, Tenements, 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 Payment; then the Perſon or Perſons occupying ſuch Lands, Tenements, 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 or Surveyors, or One of them, 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.

Compoſition-money to be duly paid.

Regulations with reſpect to Changes in the Occupation of Lands, &c. or new Inhabitants.

Provided likewiſe, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to oblige any Perſon or Perſons keeping a Team, Draught, or Plough, as aforeſaid, and not occupying Lands, Tenements, or Hereditaments, above the yearly Value of Fifty Pounds, to find and ſend, or compound for, more than One Wain, Cart, or Carriage, with Men to attend the ſame, in Manner as above directed: And that if any Perſon or Perſons ſhall keep any Team, Draught, or Plough, or any Part thereof, for Part of the Year in One Pariſh, Townſhip, or Place, and for Part of the Year in another Pariſh, Townſhip, or Place; the Duty ſhall be performed by ſuch Team, Draught, or Plough, in the Pariſh, Townſhip, or Place, where ſuch Perſon or Perſons ſhall uſually reſide.

Perſons occupying Lands, &c. not above 50*l. per Ann.* are not obliged to find, or compound for, more than 1 Carriage.

Team, or Plough, kept for Part of the Year in One Pariſh, and for Part in another, the Duty to be performed where the Perſon uſually reſides.

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 or Surveyors 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.

Where Compoſition ſhall be made for Statute-duty, a Proportion thereof is to be paid to the Turnpike Surveyor, if Part of ſuch Duty is to be performed on the Turnpike Roads.

And

Where the General or Quarter Sessions shall be satisfied, upon the Application of the Surveyor,

that the Duty, and Money, have been faithfully applied;

or that the Highways, Bridges, Causeways, Streets, or Pavements, can't be sufficiently provided for by the Means before prescribed;

Notice is to be given thereof,

and Assessments are to be made accordingly for those Purposes;

to be levied by Distress and Sale;

But no such Assessments are to exceed 6 d in the Pound, in any Year.

And be it further enacted, That if upon Application of the Surveyor or Surveyors of the Highways for any Parish, Township, or Place, to the Justices of the Peace for the County, Riding, Division, City, Corporation, Precinct, or Liberty, wherein such Parish, Township, or Place, lieth, at their General or Quarter Sessions of the Peace, the said Justices, or the major Part of them, shall be fully satisfied, by Proof upon Oath, that the Duty hereby directed to be performed, and the Money hereby authorized 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 Sessions) that then, and in any of the said Cases, One or more Assessment or Assessments upon all and every the Occupiers of Lands, Tenements, and Hereditaments, within any such Parish, Township, or Place, shall or may be made, levied, and collected, by such Person and 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 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; and the said Assessments shall, by virtue of a Warrant under the Hand and Seal of One Justice of the Peace, be levied by Distress and Sale of the Goods of every Person so assessed, and not paying the same within Ten Days after Demand; rendering the Overplus of the Value of the Goods so distrained to the Owner and Owners thereof, the necessary Charges of making such Distress and Sale being first deducted.

Provided nevertheless, That no such Assessment or Assessments, to be made in any One Year, shall exceed the Rate of Six Pence in the Pound of the yearly Value of the Lands, Tenements, and Hereditaments, so assessed.

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 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, or any Two of them, 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 or Surveyors of the Highways of ſuch Pariſh, Townſhip, or Place, ſo preſented or indicted as aforeſaid; and the ſaid Surveyor or Surveyors ſhall, within One Month next after the making and confirming the Rate aforeſaid, collect, levy, and pay, unto ſuch Inhabitant or Inhabitants, the Money ſo levied on him or them as aforeſaid.

No Fine, &c. for not repairing the Highways, or appearing to Indictments, or Preſentments for the ſame, to be returned into the Exchequer; but to be levied as the Court directs, where the Road lies, and applied thereto.

Method of Relief, with reſpect to reimburſing ſuch of the Inhabitants on whom any ſuch Fine, &c. ſhall be levied.

And be it further enacted, That the Surveyor or Surveyors of the Highways for every Pariſh, Townſhip, or Place, ſhall carefully and diligently collect all the Rates, Forfeitures, Penalties, and Compoſitions, directed and allowed to be received and taken by virtue of this Act; and ſhall keep One or more Book or Books, in which he or they ſhall fairly enter an Account of all ſuch Money as ſhall have come to his or their Hands by virtue and for the Purpoſes of this Act, and to whom and on what Occaſion he or they ſhall have diſpoſed of 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, Rates, 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 or Surveyors ſhall

Surveyor collect all Rates, Forfeitures, Penalties, and Compoſitions; and keep his Accounts according to the Method here preſcribed;

alſo enter in the ſaid Book or Books an Account of all Tools, Materials, Implements, and other Things, provided for the Repair of the ſaid Highways, at the Public Expence of ſuch Pariſh, Townſhip, or Place: And every ſuch Surveyor or Surveyors ſhall, at the ſaid Special Seſſions to be held on the Firſt Monday in October, or within Fifteen Days after, as aforeſaid, in every Year, produce ſuch Book or Books to the Juſtices of the Peace attending ſuch Seſſions; and ſhall then and there verify the ſeveral Entries therein on Oath, before the ſaid Juſtices; and ſhall then, or within Fourteen Days after ſuch Seſſions, deliver the ſaid Book or Books, together with all ſuch Sums of Money as ſhall remain in his or their Hands, and likewiſe all Tools, Materials, Implements, and other Things, as aforeſaid, to the ſucceeding Surveyor or Surveyors for ſuch Pariſh, Townſhip, or Place: And it ſhall and may be lawful for ſuch ſucceeding Surveyor or Surveyors, and they are hereby reſpectively 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 or Surveyors could, might, or ought to have recovered, collected, or received the ſame: And in caſe ſuch Surveyor or Surveyors 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 Tools, Materials, Implements, and other Things as aforeſaid, to the ſucceeding Surveyor or Surveyors, he or they ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds: And in caſe he or they ſhall make Default in the Payment of the Money ſo remaining in his Hands, within the Time, and according to the Directions aforeſaid, he or they ſhall forfeit Double the Value of ſuch Money.

and is to produce the ſame to the Juſtices, and verify them upon Oath;

and afterwards deliver them over, with the Balance, and other Articles, to his Succeſſor, who is to collect the Arrears;

and not conforming to the above Regulations, he forfeits 5*l.*

and making Default in paying over the Money in his Hands, forfeits Double the Sum.

Regulations, with reſpect to Lands given for the Maintenance of Cauſeways, Pavements, Highways, and Bridges.

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 that 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 Will and Direction of the Donor of ſuch Lands, if they find that the Perſons ſo intruſted have been negligent or faulty

ſaulty in the Perfoꝛmance of their Truſt (except ſuch Lands as have been given foꝛ the Uſes afoꝛeſaid to any College oꝛ Hall in either of the Univerſities of this Kingdom which have Viſitoꝛs of their own) any Law, Statute, Uſage, oꝛ Cuſtom, to the contrary notwithſtanding.

And whereas in ſome Places it hath been, and may be, found neceſſary to ſecure Hoꝛſe Cauſeways and Foot Cauſeways to travel upon, in Public Highways, by Poſts, Blocks, oꝛ great Stones, fixt in the Gꝛound, oꝛ by Banks of Earth caſt up, oꝛ otherwiſe, from being bꝛoken up and ſpoiled with Waggons, Wains, Carts, oꝛ Carriages: And foꝛaſmuch as ſeveral evil-diſpoſed Perſons do wilfully oꝛ wantonly pull up, cut down, and remove, the ſaid Poſts, Blocks, and great Stones, ſo fixed as afoꝛeſaid, and alſo dig and caſt down the ſaid Banks, which are the Securities and Defence of the ſaid Cauſeways, whereby the Cauſeways are often ruined and deſtroyed; and ſuch evil-diſpoſed Perſons may bꝛeak, damage, oꝛ thꝛow down, the Stones, Bꝛicks, oꝛ Wood, fixed upon the Parapets oꝛ Battlements of Bꝛidges, and may pull down, deſtroy, obliterate, oꝛ deface, any Mile-ſtone oꝛ Poſt gꝛaduated, oꝛ Direction-poſt oꝛ Stone, erected, oꝛ to be erected, upon any Highway: Foꝛ Pꝛevention 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 County, Riding, Diviſion, City, Coꝛpoꝛation, Pꝛecinct, oꝛ Liberty, where the ſame ſhall be pꝛoved to be done, by the Oath of any One credible Witneſs, oꝛ upon View of the Juſtice himſelf, foꝛfeit, foꝛ every of the ſaid Offences, any Sum not exceeding Five Pounds, noꝛ leſs than Ten Shillings; oꝛ be committed to the Houſe of Coꝛꝛection of ſuch County, Riding, Diviſion, City, Coꝛpoꝛation, Pꝛecinct, oꝛ Liberty, there to be whipped, and kept to hard Labour foꝛ any Time not exceeding One Calendar Month, noꝛ leſs than Seven Days, at the Diſcretion of ſuch Juſtice.

Penalty of pulling up, removing, or deſtroying, &c. the Poſts, Blocks, Banks, &c. ſet up for the Security of Horſe and Foot Cauſeways;

or the Parapets or Battlements of Bridges, Mileſtones, or Direction Poſts;

is a Sum not exceeding 5*l.* nor leſs than 10*s.*

or being committed to hard Labour, and whipt.

And be it further enacted, That if any Surveyoꝛ of the Highways, after his Acceptance of the ſaid Office, ſhall neglect his Duty in any thing required of him by this Act, foꝛ which no particular Penalty is impoſed; he ſhall foꝛfeit, foꝛ every ſuch Offence, any Sum not exceeding Five Pounds, noꝛ leſs than Ten Shillings; at the Diſcretion of the Juſtice oꝛ Juſtices having Juriſdiction therein.

Penalty on Surveyor's Neglect of Duty, in Inſtances not otherwiſe provided for in the Act.

And be it further enacted, That the Juſtices of Peace of all Cities, Coꝛpoꝛations, Boꝛoughs, and other

Juſtices of the Peace impowered to put in Execution every Part of this Act.

other Places, are hereby impowered to put in Execution every Part of this Act within their reſpective Juriſdictions.

No Fee to be taken of Surveyor accounting, on Penalty of 10*l.*

And be it further enacted, That no Perſon or Perſons ſhall receive any Sum of Money or Fee whatſoever of any Surveyor or Surveyors of the Highways, for the Oath taken, or Account given, by them, at ſuch Special Seſſions as aforeſaid; and if any Perſon or Perſons ſhall receive any ſuch Sum of Money or Fee, he ſhall forfeit the Sum of Ten Pounds.

Regulations, with reſpect to the Number of Horſes which Broad or Narrow Wheeled Waggons and Carts are allowed to be drawn with on the Highways.

And whereas the Highways, not being Turnpike Roads, are much prejudiced by the Narrowneſs of the Wheels of the ſeveral Carriages traveiling 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 leſs Breadth than Nine Inches, 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 thereof of leſs Breadth than Nine 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 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 of the Breadth of Nine Inches, ſhall go or be drawn with more that Five Horſes, reſpectively, upon ſuch Highways; under the Pains, Penalties, and Forfeitures, herein after mentioned (that is to ſay) that the Owner or Driver of ſuch Waggon or Cart reſpectively, ſhall forfeit and loſe all the Horſes above the Number hereby ſo reſpectively limited as aforeſaid, with all Gears, Bridles, Halters, and Accoutrements, to the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſeize or diſtrain the ſame.

All ſupernumerary Horſes are to be forfeited, together with their Gears, &c.

Waggons ſhod with Narrow Tire, or ſet with Roſe-headed Nails, not to be drawn by more than 3 Horſes, on Forfeiture of the ſupernumerary Horſes, &c.

And be it further enacted, That no Waggon, having the Wheels bound with Streaks or Tire of a leſs Breadth than Two Inches and an Half when worn, or being ſet or faſtened on with Roſe-headed Nails, ſhall go or be drawn with more than Three Horſes; and that every Owner or Driver of any ſuch Waggon ſhall forfeit and loſe all ſuch Horſes above the Number of Three, with all Gears, Bridles, Halters, and Accoutrements, to the ſole Uſe and Benefit of any Perſon or Perſons who ſhall ſeize or diſtrain the ſame.

Provided

Carriages excepted out of the above Regulations.

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, or Piece of Metal or Timber; or to ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service; nor ſhall be deemed or conſtrued to extend to Carts, Waggons, or other Carriages, employed only in Huſbandry, or manuring of Land; or in carrying of only Hay, Straw, Fodder, or Corn unthreſhed, till Michaelmas One thouſand ſeven hundred and ſixty nine.

Rules to be obſerved, with reſpect to Seizures or Diſtreſſes made for Forfeitures or Penalties incurred.

Provided always, and it is hereby enacted and declared, That any Perſon or Perſons who ſhall make any Seizure or Diſtreſs, for any of the Forfeitures or Penalties hereby incurred, ſhall deliver the Horſe or Horſes, or other Things, ſo ſeiſed or diſtrained, into the Cuſtody of the Conſtable, Headborough, Tything-man, or ſome other Officer of the Pariſh, Townſhip, or Place, where ſuch Diſtreſs or Seizure is made, or of the next Pariſh, Townſhip, or Place (who are hereby required to receive into their Cuſtody, and ſafely to keep the ſame) till the Perſon or Perſons who made ſuch Diſtreſs or Seizure ſhall make Proof upon Oath, before ſome Juſtice of the Peace, of the Offence committed, which he or they is and are hereby required to make within Six Days after ſuch Seizure or Diſtreſs; or, in Default thereof, ſuch Horſe or other Thing ſhall be delivered to the Owner thereof, and the Perſon making ſuch Seizure ſhall pay ſuch reaſonable Charges to the Conſtable or other Officer for the keeping and ſecuring thereof, as the ſaid Juſtice or Juſtices ſhall allow and direct; and the ſaid Juſtice or Juſtices, before whom ſuch Proof is made, are hereby required to iſſue their Precept to ſuch Conſtable or other Officer, immediately to deliver the Horſe or Horſes, or other Things, ſo forfeited, to the Party or Parties who ſeized or diſtrained the ſame, to and for his and their ſole Uſe and Benefit; paying ſuch reaſonable Charges for keeping and ſecuring thereof, as the ſaid Juſtice or Juſtices ſhall allow and direct: And every Perſon making Seizure of any ſuch Horſe or other Thing, and not proſecuting ſuch Seizure within the Time and in Manner aforeſaid, ſhall forfeit to the Owner of ſuch Horſe or other Thing the Sum of Forty Shillings for every ſuch Seizure.

And, for the better Diſcovery of Offenders againſt this preſent Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, ſhall place, write, or paint,

All Waggons, Wains, and Carts, to have the Owner's real Name, and Place of Abode, painted on some conspicuous Part thereof, in large Letters,

or cause to be placed, written, or painted, upon some conspicuous Part of his Waggon, Wain, or Cart, before he or she shall use or drive the same upon any Public 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 or Cart shall be used upon any such Highway: And if any Person or Persons shall neglect the same, or place, write, or print, or cause to be placed, written, or printed, any false or fictitious Name or Place of Abode, on such Waggon, Wain, or Cart; he or she shall forfeit, for every such Offence, the Sum of Twenty Shillings.

on Penalty of 20s.

The Driver of any Cart or Dray riding thereon, in any Street or Highway, without having some Person on Foot or on Horseback to guide the same;

(Exception)

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 respectively drawn by One Horse only, or by Two Horses abreast, and are conducted by some Person holding the Reins of such Horse or Horses, 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, 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; any such Driver offending in any of the Cases aforesaid, and being convicted of such Offence, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County, Riding, Division, City, Corporation, Precinct, or Liberty, 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; or shall be committed to the House of Correction for any Time not exceeding One Month, at the Discretion of such Justice: And every such Driver, offending

and the Driver of any Carriage, who, by Negligence or Misbehaviour, shall damage or obstruct Persons or Carriages in passing;

or who shall not make way for loaded Carriages,

forfeits, if not the Owner, any Sum not exceeding 10s.

and if the Owner, any Sum not exceeding 20s.

or may be committed;

ing

ing in either of the ſaid Caſes, ſhall and may, by Authority of this Act, and without any other 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 any Perſon may apprehend him,

and deliver him over to a Conſtable, to be dealt with according to Law.

And be it further enacted, That where the Juſtices of the Peace in any City or Market Town, not having already effectual Proviſion made for ſuch City or Market Town by any former Law, or the major Part of them, at their General or Quarter Seſſions, ſhall judge it neceſſary to appoint a Scavenger or Scavengers for cleanſing the Streets therein, the ſaid Juſtices ſhall and may, from time to time, nominate and appoint ſuch Perſon or Perſons as they ſhall think fitting for that Purpoſe; and alſo to order the repairing of ſuch Streets therein as they ſhall judge neceſſary; and, for defraying the Charges thereof, an Aſſeſſment or Aſſeſſments, not exceeding Six Pence in the Pound in One Year, ſhall and may, from time to time, be equally made upon all and every the Occupiers of Houſes, Lands, Tenements, and Hereditaments, in the reſpective Parithes wherein ſuch Streets ſhall lie, within ſuch Cities or Market Towns; and ſuch Aſſeſſment or Aſſeſſments ſhall and may, from time to time, be made by ſuch Perſon or Perſons, and levied and collected 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 to the Orders and Directions of the ſaid Juſtices, for and towards the repairing and cleanſing the ſaid Streets from time to time: And the ſaid Aſſeſſments, being allowed under the Hands and Seals of ſuch Juſtices, ſhall and may be levied, by Warrant under their Hands and Seals, by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſons not paying the ſame within Eight Days after demanded, rendering the Overplus (if any be) to the Owner; the neceſſary Charges of making, keeping, and ſelling, ſuch Diſtreſs, being firſt deducted.

Juſtices, at their General or Quarter Seſſions, may appoint Scavengers for any City or Market Town for which no legal Proviſion is already made;

and make Order for repairing the Streets;

and making Aſſeſſments for defraying the Charges thereof,

to be collected, employed, and accounted for, as they direct,

and to be levied by their Warrant.

And be it further enacted, That it ſhall and may be lawful for any Two or more Juſtices of the Peace for any County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, 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.

Juſtices may hold a Special Seſſions whenever they think proper, for the Purpoſes of this Act.

And

Persons forcibly opposing the Execution of this Act,

or obstructing the making a Seizure or Distress,

or rescuing Cattle, or other Goods;

and Constables not duly executing the Warrant or Precept of any Justice;

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

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 shall hinder, or attempt to prevent or obstruct, the seizing or distraining of any Horse hereby directed to be forfeited for the Offences herein before mentioned; or make any Rescue of 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 or Justices of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be so convicted; to be paid to the Surveyor or Surveyors of the Highway of the Parish, Township, or Place, where the Offence was committed, to be laid out in the Repair of the Highway: 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 or Justices of the Peace to commit such Person or Persons to the Common Gaol, or House of Correction, of the County, Riding, Division, City, Corporation, Precinct, or Liberty, where such Offence shall be committed, there to remain for any Time not exceeding Three Months, unless the said Forfeiture shall be sooner paid.

and on Non-payment, may be committed for 3 Months.

All Penalties and Forfeitures, and all Costs and Charges, where not otherwise directed, are to be levied by Distress and Sale, by Warrant of a Justice;

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 Chattles 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 County, Riding, Division, or Place, 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, 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 Oyer 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 employed towards the Repair thereof, unleſs otherwiſe directed by this Act: And in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures, or the ſaid Coſts or Charges, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized 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 County, Riding, Diviſion, or Place, 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, or 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 or Juſtices hereby authorized to grant ſuch Warrant; it ſhall and may be lawful for any Juſtice of the Peace of the County, Riding, Diviſion, or Place, 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, or of the Order for the Payment of ſuch Coſts or 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, or the Coſts or Charges mentioned in ſuch Order, to be levied by Diſtreſs and Sale of the Goods and Chattles 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 County, Riding, Diviſion, or Place, for the Time and in Manner aforeſaid.

One Half to the Uſe of the Informer, and the other Half to the Roads;

and for want of Diſtreſs, the Party is to be committed;

and where he ſhall live out of the Juriſdiction of the Juſtice authorized to grant ſuch Warrant,

the Juſtice of the Place, upon Application, and Copy of the Conviction or Order produced, ſhall iſſue his Warrant accordingly, &c.

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, 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 ſuch pecuniary Penalty, it ſhall and may be lawful to ſue for and recover

Penalties or Forfeitures may be ſued for by the Proſecutor or Informer, either in Manner before directed,

or by Action of Debt, where the Penalty is a pecuniary One;

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 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 Public Highways of this Kingdom; and for other Purposes therein mentioned; and where the Penalty or Forfeiture is or shall be of any Horse or other Goods, by an Action of Trover against the Person liable to such Penalty or Forfeiture, in which the Forfeiture shall be sufficient Evidence of Property to the Plaintiff; and in which the Value of such Horse or other Goods, as is or are liable to the Forfeiture, shall be given in Damages, without any Proof of Seizure or Demand; and the Plaintiff, if he recover in any such Action, shall have Double Costs: 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.

or by Action of Trover, where the Penalty or Forfeiture is a Horse, or other Goods;

and recovering, is intitled to Double Costs.

No Conviction to be had, but upon Confession of the Party, or Oath of a Witness.

Provided always, 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; 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.

Inhabitants deemed competent Witnesses.

Justices impowered to administer Oaths, in all Cases relative to the Execution of this Act.

And be it further enacted, That it shall and may be lawful for any Justice or Justices 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 authorized or directed to be examined, inquired into, or performed, by such Justice or Justices respectively.

Distress for Money not deemed unlawful, *&c.* for Default of Form in the Proceedings; nor the Party making it a Trespasser *ab initio*, on account of any subsequent Irregularity.

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

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.

Plaintiff in any Action for Irregularity, &c. not to recover, where Tender of Amends has been made before Action brought.

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 Defendants 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.

Defendant allowed to pay Money into Court before Issue joined.

Persons aggrieved, where no other Method of Relief is appointed,

Provided also, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed; or if any Person shall, at any Time hereafter, think himself or herself injured by the inclosing of any common Highway, after a Writ of Ad quod Damnum issued, and Inquisition thereupon taken; then, in any of the said Cases, every such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County, Riding, Division, City, Corporation, Precinct, or Liberty, wherein the Cause of such Complaint shall arise, and within Four Months after the Cause of such Complaint shall have arisen, or after the inclosing of such common Highway as aforesaid; such Appellant giving, or causing to be given, Eight Days Notice at the least 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; and, within Four Days after such Notice, entering into Recognizance before some Justice of the Peace for the said County, Riding, Division, City, Corporation, Precinct, or Liberty, 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 of such Quarter Session; and every Justice of the Peace, and other Person, having received Notice of such Appeal as aforesaid, shall return all

or injured by the inclosing any common Highway, may appeal to the General Quarter Sessions;

giving Notice of such Intention,

and entering into Recognizance, &c.

Proceedings had before any Justice, relative to the Matter of such Appeal, to be

returned to the General Quarter Seſſions, on Penalty of 5 *l.*

all Proceedings whatever 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

Court to proceed in a ſummary Way, and award proper Coſts;

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 Seſſions

and their Determination to be final.

ſhall be final and concluſive to all Intents and Purpoſes; and that no Proceeding 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 notwithſtanding.

Where Appeal is made againſt the Conviction for the Forfeiture of any Horſe, &c.

Provided, That no ſuch Appeal ſhall be made againſt any Conviction, for the Forfeiture of any Horſe or other Beaſt by virtue of this Act, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, give Notice of

Notice of Appeal is to be given at the Time of Conviction, and Recognizance, with Sureties, entered into; and Horſe to be thereupon returned.

his or her Intention to appeal; and at the ſame Time enter into Recognizance, with ſufficient Sureties, to pay the Value of ſuch Horſe or other Beaſt, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, ſuch Horſe or other Beaſt ſhall be forthwith delivered to ſuch Perſon.

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 in the County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, where the Perſon againſt whom ſuch Action or Suit ſhall be commenced doth ordinarily inhabit and reſide, or in which 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.

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 and laid in any other County, Riding, Division, City, Corporation, Precinct, or Liberty, 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. Treble Costs.

And be it further enacted, That this Act, and every Clause, Provision, and Regulation, herein contained, shall commence and take Effect on the Twenty first Day of September next. Commencement of this Act.

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 Twenty first Day of September next following, an Act passed in the Thirteenth Year of the Reign of King Edward the First, ascertaining the Breadth of Highways leading from one Market Town to another; as also an Act passed in the Fourteenth and Fifteenth of King Henry the Eighth, for altering of Highways in the Weld of *Kent*; as also an Act or Bill passed in the Twenty sixth of King Henry the Eighth, intituled, The Bill for the Highways in the County of *Sussex*; as also an Act passed in the Second and Third of King Philip and Queen Mary, intituled, The Statute for the mending of Highways; as also an Act passed in the Fifth of Queen Elizabeth, intituled, An Act for the Continuance of the Statute made Second and Third *Philip* and *Mary*, for the Amendment of Highways; as also an Act passed in the Eighteenth of Queen Elizabeth, intituled, An Act of Addition unto the former Acts for amending and repairing of Highways; as also an Act passed in the Twenty seventh of Queen Elizabeth, intituled, An Act for explaining of the Statute for the amending of the Highways between *Middleton* and the *King's Ferry* leading into the Isle of *Sheppey* in the County of *Kent*; as also an Act passed in the Thirty ninth of Queen Elizabeth, intituled, An Act for the Amendment of Highways in *Sussex*, *Surry*, and *Kent*; as also so much of an Act passed in the Twenty second of King Charles the Second (intituled, An additional Act for the better repairing of Highways and Bridges) as relates to the Highways; as also so much of an Act passed in the Second

Repeal of Act 13 *Edw.* I; 14 & 15 *Hen.* VIII; 26 *Hen.* VIII; 2 & 3 *Phil.* & *Mary*; 5 *Eliz.*; 18 *Eliz.*; 27 *Eliz.*; 39 *Eliz.*; and so much of Act 22 *Car.* II, as relates to Highways;

and ſo much of Act 2 *Will. & Mary*, as relates to the Power of making Aſſeſſments for repairing the Highways;

and ſo much of Act 3 *Will. & Mary*, as relates to Highways;

Act 7 & 8 *Will.* III;

8 & 9 *Will.* III;

6 *Annæ*;

9 *Annæ*;

1 *Geo.* I;

1 *Geo.* I;

5 *Geo* I;

7 *Geo.* II;

Second of King William and Queen Mary (intituled, An Act for paving and cleanſing the Streets in the Cities of *London* and *Weſtminſter*, and Suburbs and Liberties thereof, and Out Pariſhes in the County of *Middleſex* and in the Borough of *Southwark*, and other Places within the Weekly Bills of Mortality in the County of *Surry*, and for regulating the Markets therein mentioned) as relates to the Power therein given to make Aſſeſſments for the Purpoſe of repairing the Highways; as alſo ſo much of an Act paſſed in the Third Year of King William and Queen Mary, (intituled, An Act for the better repairing and amending the Highways, and for ſettling the Rates of Carriage of Goods) as relates to the Highways; as alſo an Act paſſed in the Seventh and Eighth of King William the Third, intituled, An Act for the better amending and repairing the Highways, and Explanation of the Laws relating thereunto; as alſo an Act paſſed in the Eighth and Ninth of King William the Third, intituled, An Act for enlarging Common Highways; as alſo an Act paſſed in the Sixth of Queen Anne, intituled, An Act to repeal a Clauſe in an Act of the Seventh Year of the Reign of His late Majeſty, for amending and repairing the Highways; which enjoins Waggoners and others to draw with a Pole between the Wheel Horſes, or with Double Shafts, and to oblige them to draw only with Six Horſes or other Beaſts, except up Hills; as alſo an Act of the Ninth of Queen Anne, intituled, An Act to render more effectual an Act made in the Sixth Year of Her preſent Majeſty, intituled, *An Act to repeal a Clauſe in an Act of the Seventh Year of the Reign of His late Majeſty for amending Highways, which enjoins Waggoners and others to draw with a Pole between the Wheel Horſes, or with Double Shafts, and to oblige them to draw only with Six Horſes or other Beaſts, except up Hills*; as alſo an Act paſſed in the Firſt Year of King George the Firſt, intituled, An Act to reſtrain all Waggoners, Carriers, and others, for drawing any Carriage with more than Five Horſes in Length; as alſo another Act paſſed in the Firſt Year of King George the Firſt, intituled, An Act for making the Laws for repairing the Highways more effectual; as alſo an Act paſſed in the Fifth Year of King George the Firſt, intituled, An Act for making more effectual the ſeveral Acts paſt for repairing and amending the Highways of this Kingdom; as alſo an Act paſſed in the Seventh Year of his late Majeſty King George the Second, intituled, An Act to explain and make more effectual the Laws in being to oblige the Poſſeſſors of Lands adjacent to Common Highways, to cut and

and keep low ſuch Hedges as are adjoining to the ſaid Highways; as alſo ſo much of an Act paſſed in the Ninth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for reviving and continuing the Acts therein mentioned, and for explaining and amending a Clauſe in an Act made in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for making the Laws for repairing the Highways more effectual*; relating to the appointing Scavengers in Cities and Market Towns, and the ordering the Aſſeſſments for the repairing and cleanſing the Streets therein, as extends the Clauſe in the ſaid Act, made in the Firſt Year of King George the Firſt, unto Market Towns; as alſo ſo much of an Act paſſed in the Fourteenth Year of King George the Second, intituled, An Act for the Preſervation of the publick Roads in that Part of *Great Britain* called *England*, as relates to the Highways of this Kingdom, not being Turnpike Roads; as alſo an Act paſſed in the Fifteenth Year of King George the Second, intituled, An Act to repeal ſo much of an Act paſſed in the laſt Seſſions of Parliament, intituled, *An Act for the Preſervation of the publick Roads in that Part of* Great Britain *called* England, as obliges Perſons, not travelling for Hire, to make uſe of Waggons with Wheels bound with Streaks or Tire of a certain Breadth, or the ſaid Streaks to be faſtened with Nails of a certain Size; as alſo an Act paſſed in the Sixteenth Year of King George the Second, intituled, An Act for allowing Carts to be drawn with Four Horſes; as alſo an Act paſſed in the Twenty ſixth Year of King George the Second, intituled, An Act for the preventing of the Inconveniencies and Dangers that may ariſe from the preſent Methods of digging Gravel, Sand, Stone, Chalk, and other Materials, on the ſeveral Commons and Waſte Grounds within the Kingdom, for the Repair of the Highways, and for other Purpoſes; as alſo ſo much of an Act paſſed in the Thirtieth Year of the Reign of His late Majeſty King George the Second, intituled, An Act to explain and amend an Act made in the Eighteenth Year of His preſent Majeſty's Reign, to prevent the Miſbehaviour of the Drivers of Carts in the Streets in *London*, *Weſtminſter*, and the Limits of the Weekly Bills of Mortality, and for other Purpoſes in this Act mentioned; as relates to the publick Streets or common Highways of this Kingdom, not being within the Cities of London or Weſtminſter, or within the Limits of the Weekly Bills of Mortality; ſhall be, and the ſame are hereby, repealed.

and ſo much of Act 9 *Geo.* II. as extends the Clauſe in Act 1 *Geo.* I. to Market Towns;

and ſo much of Act 14 *Geo.* II. as relates to the Highways not being Turnpike Roads;

Act 15 *Geo.* II;

16 *Geo.* II;

26 *Geo.* II;

and ſo much of Act 30 *Geo.* II. as relates to the publick Streets or Common Highways, not within *London* or *Weſtminſter*, or Limits of the Weekly Bills.

FINIS.