ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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C A P. CIX.

An Act to amend an Act of the Thirteenth Year of His preſent Majeſty, to explain, amend, and reduce into One Act, the Statutes now in force for the Amendment and Preſervation of the Public Highways within *England*, and for other Purpoſes.

[23d *July* 1814.]

WHEREAS by an Act paſſed in the Thirteenth Year of His preſent Majeſty, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the Public Highways, within that Part of* Great Britain *called* England, *and for other Purpoſes*, the Juſtices of the Peace at their General Quarter or Special Seſſions for the Highways are empowered to allow certain Aſſeſſments to be made and collected for the Maintenance and Repair of the Highways: And whereas it has been found by Experience, that the Aſſeſſments which are authorized by that Act, are not ſufficient for the Purpoſes to which the ſame are therein directed to be applied; 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 if upon the Application of the Surveyor of the Highways of any Pariſh, Townſhip, or Place, to the Juſtices of the Peace at their General or Quarter Seſſions, or at a Special Seſſions for the Highways, the ſaid Juſtices 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 ſupported by the Means in the ſaid herein-before recited Act of the Thirteenth Year of His preſent Majeſty's Reign preſcribed, and by the Aſſeſſments therein authorized to be made, and collected, it ſhall and may be lawful for the ſaid Juſtices to authorize, order, and direct, an additional Aſſeſſment to be made on ſuch Pariſh, Townſhip, or Place (over and above all the Aſſeſſments by the ſaid Act authorized to be made and collected); which ſaid additional Aſſeſſment

13 G.3. c.84.

Upon Application of Surveyor of the Highways, Juſtices may direct an additional Aſſeſſment.

ſhall be levied and collected by the ſame Means, and in the ſame Manner and Form, as is directed for the levying and collecting the Aſſeſſments made under the Authority of the ſaid herein-before recited Act, and upon the ſame Perſons as are therein declared to be liable to be rated to the ſaid Aſſeſſments.

Notice of ſuch Application to be given.

II. Provided aways, and be it enacted, That Notice of ſuch intended Application ſhall be firſt proved before the ſaid Juſtices, upon the Oath of the Surveyor making ſuch Application, to have been given at the Church or Chapel, on Two *Sundays* preceding ſuch General or Quarter Seſſions, or Special Seſſions for the Highways; or, in Townſhips or Places where there are no Churches or Chapels, to have been ſtuck up in Writing in Two or more conſpicuous Places within the ſaid Townſhips or Places, for One Week at leaſt previous to ſuch General or Quarter Seſſions, or Special Seſſions for the Highways; or, in extra-parochial Places, to have been given in Writing to ſome of the principal Inhabitants reſiding in ſuch extra-parochial Place, a Week at leaſt before ſuch General or Quarter Seſſions, or Special Seſſions for the Highways; in order that any Perſon or Perſons liable to be rated to the Aſſeſſment intended to be applied for, may attend at ſuch General or Quarter Seſſions, or Special Seſſions, if they ſhall think fit; there to ſtate to the ſaid Juſtices any Objections which he, ſhe, or they may have to the making and collecting of ſuch Aſſeſſment.

Limiting the Amount of Aſſeſſment.

III. Provided always, and be it further enacted, That the Aſſeſſment herein authorized ſhall not exceed the Rate of One Shilling and Ninepence in the Pound on the actual Value at the Time of making ſuch additional Aſſeſſment.

Compoſition.

IV. And whereas by an Act paſſed in the Thirty-fourth Year of the
34 G. 3. c. 74. Reign of His preſent Majeſty, intituled *An Act for varying ſome of the Proviſions of an Act of the Thirteenth Year of His preſent Majeſty's Reign, reſpecting the Public Highways in that Part of* Great Britain *called* England, *which relate to Statute Duty*, it is enacted, that it ſhall be at the Option of the Surveyor either to require the Statute Duty in Kind, or a Compoſition in Money in lieu thereof, at certain Rates which are therein fixed: And whereas by an Act paſſed in the Forty-fourth Year of His preſent
44 G. 3. c. 52. Majeſty's Reign, intituled *An Act to alter and amend ſo much of an Act paſſed in the Thirty-fourth Year of His preſent Majeſty, as relates to the Amount of the Sums to be paid by Perſons compounding for the Performance of Statute Duty*, the Rates for ſuch Statute Duty have been increaſed, ſo far as reſpect Teams, Draughts, Ploughs, and Carts, with One or Two Horſes: And whereas the actual Wages of Labour, and the actual Rate of hiring Teams, Carts, Horſes, or Oxen, vary at different Times and in different Parts of *England*; be it therefore further enacted, That in all Caſes in which it ſhall be made to appear to Two or more Juſtices of the Peace acting within the Diſtrict, by the Surveyors of the Highways or of any Turnpike Road, that the Maintenance and Repair thereof can be more effectually carried on by a Compoſition in Money than by a Performance of the Statute Duty in Kind, he or they ſhall be at Liberty to require ſuch Compoſition in Money, upon receiving an Authority under the Hands and Seals of the ſaid Juſtices for that Purpoſe, in lieu of either the Whole or of any certain Part of the Statute Duty, from the ſeveral Perſons who are bound by Law to perform ſuch Statute Duty; and the Juſtices of the Diſtrict at their Special Seſſions for the Highways held in the Week next after *Michaelmas*, yearly, ſhall fix ſuch Rates as they ſhall adjudge reaſonable,

ſonable, as a Compoſition in lieu of the Teams, Carts, Horſes, Oxen, or Labour, which ſuch Perſons are bound in the Proportions now fixed by Law to provide or perform; which Rates the ſaid Juſtices are hereby authorized and required annually to make known at ſuch Special Seſſions, due regard being had to the actual Wages of Labour, and to the actual Rate of hiring Teams, Draughts, Ploughs, Carts, Horſes or Oxen, in the Pariſh, Place, or Diſtrict in which ſuch Compoſition is required; and ſuch Compoſition ſhall be paid in the ſame Manner, and within the ſame Period, and ſubject to the ſame Regulations and Proviſions, as are now by Law eſtabliſhed for enforcing the Payment of Compoſitions in lieu of Statute Duty: Provided always, that in caſe where the whole Compoſition in Money ſhall not be required in lieu of the Whole of the Duty in Kind, ſuch Compoſition ſhall be demanded in fair and equal Proportions from each and every Perſon liable to pay the ſame, unleſs any of the ſaid Perſons ſhall prefer to pay a Compoſition for the Whole of their Statute Duty, according to the Rates fixed in the Manner herein directed.

Rate of Compoſition for Perſons occupying under 50l.; above 50l. and under 100l.; and ſo on progreſſively.

V. And be it further enacted, That all Perſons who are liable, under any of the Proviſions of any of the herein-before recited Acts, to contribute to the Repair of the Highways by a Payment of Money in lieu of Statute Duty, ſhall contribute thereto in lieu of every Day's Statute Duty, for every Twenty Shillings of the actual annual Value at the Time of making the ſaid Aſſeſſment of the Lands, Tenements, Woods, Tithes, and Hereditaments which ſuch Perſons ſhall reſpectively occupy in the Pariſh, Townſhip, or Place where they reſide, or in any other Pariſh, Townſhip, or Place, a Sum equal to One Fiftieth Part of the Sum fixed by the Juſtices, at the Time and in the Manner by this Act directed, as the Compoſition for One Day's Labour of a Cart, Wain, or Carriage, furniſhed with Three Horſes and Two able Men, omitting any fractional Part of the ſaid Sum which does not amount to One Farthing; and all Perſons occupying more than Fifty Pounds *per Annum* in the Pariſh, Townſhip, or Place wherein they reſide, or in any other Pariſh, Townſhip, or Place, and leſs than One hundred Pounds *per Annum*, ſhall contribute to the Repairs of the Highways in lieu of every Day's Statute Duty, for every Twenty Shillings of the actual annual Value at the Time of making the ſaid Aſſeſſment of the Lands, Tenements, Woods, Tithes, and Hereditaments, which ſuch Perſons ſhall reſpectively occupy over and beyond the ſaid Sum of Fifty Pounds *per Annum*, and under One hundred Pounds, a Sum equal to One Fiftieth Part of the Sum fixed by the ſaid Juſtices, at the Time and in the Manner by this Act directed, as the Compoſition for One Day's Labour of a Cart, Wain, or Carriage, furniſhed with Three Horſes and Two able Men, omitting any fractional Part of the ſaid Sum which does not amount to One Farthing; and ſo on progreſſively for every Twenty Shillings of the actual annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments which they ſhall reſpectively occupy over and beyond every additional Fifty Pounds *per Annum*; and the ſaid Sum or Sums ſhall be paid in the ſame Manner and within the ſame Period, and ſubject to the ſame Regulations and Proviſions, as are now by Law eſtabliſhed for enforcing the Payment of Compoſition in lieu of Statute Duty.

Perſons keeping Carriages though not occupying to the Amount of 50l. liable to Compoſition.

VI. And be it further enacted, That every Perſon who ſhall keep a Coach, Poſt Chaiſe, Chair, or other Wheel Carriage, and not keep a Team, Draught, or Plough, nor occupy Fifty Pounds *per Annum* in the Pariſh, Townſhip, or Place where he reſides, ſhall pay to the Surveyor or Surveyors, in reſpect of every Day's Statute Duty, for every Horſe which he

he or ſhe ſhall uſe in drawing ſuch Carriage, ſuch a Sum as the Juſtices ſhall, at the Time and in the Manner by this Act directed, fix as the Compoſition for One Day's Work of a Horſe; or ſhall, at the Option of the Surveyor or Surveyors, pay in lieu of every Day's Statute Duty, for every Twenty Shillings of the actual annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he or ſhe ſhall reſpectively occupy, a Sum equal to One Fiftieth Part of the Sum fixed by the Juſtices, at the Time and in the Manner by this Act directed, as the Compoſition for One Day's Labour of a Cart, Wain, or Carriage, furniſhed with Three Horſes and Two able Men, omitting any fractional Part of the ſaid Sum which does not amount to One Farthing: And the ſaid Sum or Sums ſhall be paid in the ſame Manner, and within the ſame Period, and ſubject to the ſame Regulations and Proviſions, as are now by Law eſtabliſhed for enforcing the Payment of Compoſitions in lieu of Statute Duty.

Enforcing Performance of Statute Duty; and for levying Forfeitures and Arrears.

VII. And be it further enacted, That all Perſons who ſhall refuſe or neglect to perform any Part of their Statute Duty in Kind, on being regularly ſummoned by the Surveyor for that Purpoſe, ſhall forfeit and pay a Sum equal to Twice the Amount of the Compoſition for ſuch Statute Duty as they ſhall have ſo neglected or refuſed to perform, according to the Rates fixed by the Juſtices under the Proviſions of this Act; and the ſaid Perſons ſhall alſo be liable to perform the ſaid Statute Duty which they have ſo neglected or refuſed to perform, either in the ſame or in the following Year; the Payment of ſuch Forfeitures, and the Arrears of ſuch Statute Duty, to be enforced and applied to the Benefit of the Highway or Turnpike Road, as the Caſe may be, to which the original neglected Duty was due or owing, by the Surveyor or Surveyors for the Time being, and under the ſame Regulations and in the ſame Manner as other Forfeitures may be levied, and Statute Duty may in other Caſes be enforced by any of the Proviſions of any of the ſaid herein-before recited Acts.

Juſtices of Cities to execute Act.

VIII. And be it further enacted, That the Juſtices of the Peace and Magiſtrates of all Cities, Corporations, Boroughs, Precincts, Liberties, and other ſeparate Juriſdictions, are hereby authorized and required to put in Execution every Part of this Act within their reſpective Juriſdictions, ſo far as the Proviſions thereof are applicable, in as full and ample a Manner as the Juſtices of any County or of any Diviſion thereof.

Not to alter former Acts but where expreſsly amended.

IX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall alter the ſeveral herein-before recited Acts, nor any Act or Acts paſſed ſubſequently to the ſaid herein-before recited Acts, regarding the Highways or Turnpike Roads in *England* and *Wales*; but that the ſame, where not expreſsly amended or altered by this Act, ſhall remain in as full Force as at the Time of paſſing this Act; and that all their Powers, Authorities, Proviſions, Regulations, and Forms, ſhall be applicable, not only to the carrying thoſe Acts reſpectively into Execution, but alſo this Act, ſo far as the ſame are adapted thereto, and are not expreſsly varied or altered by this Act, in as full and ample a Manner as if the ſame had been re-enacted in this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.