ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

C A P. LXVIII.

An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.

[7th *June* 1815.]

WHEREAS by an Act of Parliament made in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain,* 13 G. 3. c. 78. *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,* it was, amongst other Things, enacted, That when it should appear, upon the View of any Two or more of the Justices of the Peace in the said Act mentioned, that any Public Highway, not in the Situation therein-before

deſcribed, or Public Bridleway, or Footway, might be diverted ſo as to make the ſame nearer or more commodious to the Public, and the Owner or Owners of the Lands and Grounds through which ſuch new Highway, Bridleway, or Footway, was propoſed to be made, ſhould conſent thereto, by Writing under his or their Hand and Seal, or Hands and Seals, it ſhould and might be lawful, by Order of ſuch Juſtices at ſome Special Seſſions, to divert and turn and ſtop up ſuch Footway, and to divert, turn, and ſtop up, and incloſe, ſell, and diſpoſe of ſuch old Highway or Bridleway, and to purchaſe the Ground and Soil for ſuch new Highway, Bridleway, or Footway, by ſuch Ways and Means, and ſubject to ſuch Exceptions and Conditions, in all reſpects, as in the ſaid recited Act mentioned, with regard to Highways to be widened or diverted; and where any ſuch Highway, Bridleway, or Footway, herein laſt before deſcribed, ſhould be ſo ordered to be ſtopped up or incloſed, and ſuch new Highway, Bridleway, or Footway, ſet out and appropriated in lieu thereof as aforeſaid, it ſhould and might be lawful for any Perſon or Perſons injured or aggrieved by any ſuch Order or Proceeding, or by the Incloſure of any Road or Highway, by virtue of any Inquiſition taken upon any Writ of *Ad quod damnum*, to make his or their Complaint thereof, by Appeal to the Juſtices of the Peace, at the next Quarter Seſſions which ſhould be holden within the Limit where the ſame ſhould lie, after ſuch Order made or Proceeding had as aforeſaid, upon giving Ten Days Notice in Writing of ſuch Appeal to the Surveyor and Party intereſted in ſuch Incloſure, if there ſhould be ſufficient Time for that Purpoſe, if not, ſuch Appeal might be made, upon the like Notice, to the next ſubſequent Quarter Seſſions of the Peace; which Courts of Quarter Seſſions were thereby reſpectively authorized and empowered to hear and finally determine ſuch Appeal; and if no ſuch Appeal be made, or being made, ſuch Order and Proceedings ſhould be confirmed by the ſaid Court, the ſaid Incloſures might be made, and the ſaid Ways ſtopped, and the Proceedings thereupon ſhould be binding and concluſive to all Perſons whomſoever; and the new Highway, Bridleway, or Footway, ſo to be appropriated and ſet out, ſhould be and for ever after continue a Public Highway, Bridleway, or Footway, to all Intents and Purpoſes whatſoever; but that no Incloſures of ſuch Highway, Bridleway, or Stoppage of ſuch Footway, ſhould be made, until ſuch new Highway, Bridleway, or Footway ſhould be completed and put into good Condition and Repair, and ſo certified by Two Juſtices of the Peace upon view thereof; which Certificate it was thereby enacted, ſhould be returned to the Clerk of the Peace, and inrolled amongſt the Records of the ſaid Court of Quarter Seſſions; but from and after ſuch Certificate, ſuch old Highways, Bridleway, or Footway ſhould and might be ſtopped up, and the Soil of ſuch old Highways or Bridleways ſold, in the Manner and ſubject to the Reſervations and Reſtrictions in the ſaid recited Act mentioned, with reſpect to the Highways to be enlarged or diverted by virtue thereof: And whereas it is expedient that more public Notice ſhould be given of any Order made or Proceeding had for diverting, turning, ſtopping, and enclofing any Highway, Bridleway, or Footway; and alſo that a greater Facility of Appeal to the Quarter Seſſions againſt ſuch Order or Proceeding ſhould be given to any Perſon or Perſons who may think themſelves aggrieved thereby; and it

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is also expedient that His Majesty's Justices of the Peace should have Power under certain Regulations, to stop up unnecessary Highways, Bridleways, and Footways: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act of the Thirteenth Year of His present Majesty, as herein-before recited, shall be and the same is hereby repealed.

Part of 13 G. 3. c. 78. repealed.

II. And be it further enacted by the Authority aforesaid, That when it shall appear, upon the View of any Two or more of the said Justices of the Peace, that any Public Highway, or Public Bridleway or Footway, may be diverted, so as to make the same nearer or more commodious to the Public, and the Owner or Owners of the Lands and Grounds through which such new Highway, Bridleway, or Footway, so proposed to be made, shall consent thereto, by Writing under his or their Hand and Seal or Hands and Seals, it shall and may be lawful, by Order of such Justices at some Special Sessions, to divert and turn and to stop up such Footway, and to divert, turn, stop up, and inclose, sell and dispose of, such old Highway or Bridleway, and to purchase the Ground and Soil for such new Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions, in all respects, as in the said recited Act mentioned with regard to Highways to be widened or diverted; and also when it shall appear, upon the View of any Two or more of the said Justices of the Peace, that any Public Highway, Bridleway, or Footway is unnecessary, it shall and may be lawful, by Order of such Justices, or any Two of them, to stop up, and to sell and dispose of such unnecessary Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions in all respects as in the said recited Act is mentioned, in regard to Highways to be widened and diverted; except that the Money to arise from such Sale, where, by the said Act, it would be applicable to the Purchase of the Ground and Soil of the new Highways or Bridleways therein mentioned, shall be paid to the Surveyor or Surveyors, and be applied towards the general Repairs of the Highways and Bridleways of the Parish, Township, or Place, within which the said Highway, Bridleway, or Footway, so stopped up, shall be situate: Provided, that in the several Cases before mentioned, a Notice, in the Form or to the Effect of Schedule (A.) to this Act annexed, shall be affixed in legible Characters at the Place and by the Side of the said Highway, Bridleway, or Footway from whence the same is directed to be turned, diverted, or stopped up, and also inserted in One or more Newspaper or Newspapers published or generally circulated in the County where the Parish, Township, or Place, in which the Highway, Bridleway, or Footway, so ordered to be diverted and turned, or stopped up, (as the Case may be) shall lie, (or, in case no such Newspaper shall be so published or circulated in such County, then in any Newspaper or Newspapers published or circulated in the nearest adjoining County) for Three successive Weeks after the making of such Order; and a like Notice shall be affixed to the Door of the Church or Chapel of every

Trustees by Order at Special Sessions may divert and turn certain Highways, Bridleways, and Footways.

Justices may order the stopping up of unnecessary Highways, &c.

Such Notice to be inserted in the Newspapers of the County in which such Highways, &c. shall lie;

Parish or Township in which such Highway, Bridleway, or Footway, so ordered to be diverted, turned, or stopped up, or any Part thereof, shall lie, on Three successive *Sundays* subsequent to the making of such Order; and the said several Notices having been so published, the said Order shall at the Quarter Sessions which shall be holden within the Limit where the Highway, Bridleway, or Footway, so diverted and turned or stopped up, shall lie, next after the Expiration of Four Weeks from the First Day on which such Notices shall have been published as aforesaid, be returned to the Clerk of the Peace in open Court, and lodged with him; and the said Order shall at such Quarter Sessions be confirmed, and by the Clerk of the Peace inrolled amongst the Records of the said Court of Quarter Sessions.

and the Order returned to the Clerk of the Peace, and confirmed and inrolled at Quarter Sessions.

III. Provided always, and be it further enacted, That where any such Highway, Bridleway, or Footway, shall be so ordered to be stopped up or inclosed, and such new Highway, Bridleway, or Footway, set out and appropriated in lieu thereof as aforesaid, or where any unnecessary Highway, Bridleway, or Footway, shall be so ordered to be stopped up as aforesaid, it shall and may be lawful for any Person or Persons injured or aggrieved by any such Order or Proceeding, or by the Inclosure of any Road or Highway, by virtue of any Inquisition taken upon any Writ of *Ad quod damnum*, to make his or their Complaint thereof, by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving Ten Days Notice in Writing of such Appeal to the Surveyor of the Highways of the Parish, Township, or Place wherein such Highway, Bridleway, or Footway shall be situated; and also affixing such Notice to the Door of the Church or Chapel of such Parish, Township, or Place; and the said Court of Quarter Sessions is hereby authorized and empowered to hear and finally determine such Appeal.

Persons injured by any such Order or Proceedings, may appeal to Justices at Quarter Sessions, upon giving Notice thereof in Writing.

IV. Provided always, and be it further enacted by the Authority aforesaid, That if no such Appeal be made, or being made, such Order and Proceedings shall be confirmed by the said Court, the said Inclosures may be made, and the said Ways stopped; and the Proceedings thereupon shall be binding and conclusive to all Persons whomsoever; and the new Highways, Bridleways, and Footways, so to be appropriated and set out, shall be and for ever after continue a Public Highway, Bridleway or Footway, to all Intents and Purposes whatsoever; but no Inclosures of such old Highways, Bridleways, or Footways, (except in the Case of stopping up of such useless Highways, Bridleways, or Footways, as herein-before is mentioned) shall be made, until such new Highway, Bridleway, or Footway, shall be completed and put into good Condition and Repair, and so certified by Two Justices of the Peace upon view thereof; which Certificate shall be returned to the Clerk of the Peace, and by him inrolled amongst the Records of the Court of Quarter Sessions, next after such Order as aforesaid shall have been confirmed or enrolled pursuant to the Directions herein-before contained; but from and after the Inrolment of such Order and Certificate, such old Highway, Bridleway, or Footway, shall be stopped up, and the Soil of such old Highway or Bridleway sold, in the Manner, and subject to the Reservations and Restrictions in the said

If no Appeal be made, or if such Order be confirmed, the old Ways may be stopped, and Proceedings shall be conclusive; and new Highways shall afterwards continue a Public Highway, &c.

recited Act mentioned, with reſpect to Highways to be diverted by virtue of the ſaid recited Act.

V. Provided always, and be it further enacted, That this Act or any Thing herein contained ſhall not, and ſhall not be conſtrued to annul, or in any way affect or impeach any Order or Proceeding for the diverting or ſtopping up any Highway, Bridleway, or Footway, made or had previous to the Day of paſſing of this Act, but ſuch Order and Proceedings may be proceeded in and completed in the ſame Manner, and ſhall be valid and binding on all Perſons whatſoever, to all Intents and Purpoſes, as if this Act not been made; any Thing herein-before contained to the contrary notwithſtanding. Act not to annul any previous Order or Proceedings.

VI. And whereas by an Act paſſed in the Fifty-fourth Year of His preſent Majeſty, intituled *An Act to amend an Act of the Thirteenth Year of His preſent Majeſty*, it is among other Things enacted, that Two or more Juſtices of the Peace, at their Special Seſſions to be holden in the Week next after *Michaelmas* yearly, ſhall fix ſuch Rates, as they ſhall adjudge reaſonable, as a Compoſition in lieu of Teams, Carts, Horſes, Oxen, or Labour: And whereas certain other Matters relative to the Highways are directed to be done by Juſtices of the Peace, at their Special Seſſions to be holden in the Week next after the *Michaelmas* Quarter Seſſions: And whereas the Time for holding the *Michaelmas* Quarter Seſſions has been altered by an Act made in the Fifty-fourth Year of His preſent Majeſty, intituled *An Act for regulating the Time of holding the* Michaelmas *Quarter Seſſions*; be it therefore enacted, That it ſhall and may be lawful for the Juſtices of the Peace, aſſembled in their Special Seſſions in the Week after *Michaelmas*, to do and perform every Act which they might heretofore legally have done in the Special Seſſions directed to be holden in the Week after the ſaid *Michaelmas* General Quarter Seſſions of the Peace. 54 G. 3. c. 109. 54 G. 3. c. 84. To act in Michaelmas Special Seſſions.

SCHEDULE to which this Act refers.

SCHEDULE (A.)

FORM OF NOTICE.

NOTICE is hereby given, That on the Day of last, an Order was ſigned by *J. W.* and *T. H.* Two of His Majeſty's Juſtices of the Peace in and for the County of for [*if the Order be for* turning, diverting, and ſtopping up, &c. *here ſo ſtate it, and deſcribe the Road ordered to be* turned, diverted, and ſtopped up;—*if the Order be for* ſtopping up a uſeleſs Road, *here ſo ſtate it, and deſcribe the Road ordered to be ſtopped up;*] and that the ſaid Order will be lodged with the Clerk of the Peace for the ſaid County, at the General Quarter Seſſions of the Peace to be holden at in and for the ſaid County, on the Day of next, and alſo that the ſaid Order will at the ſaid Quarter Seſſions be confirmed and inrolled, unleſs upon an Appeal againſt the ſame to be then made, it be otherwiſe determined.

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