ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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C A P. XL.

An Act for procuring Returns relative to the Highways and Turnpike Roads in *England* and *Wales*. [17th *August* 1839.]

WHEREAS it is expedient that Information should be obtained respecting the Extent and State of the Highways and Turnpike Roads in *England* and *Wales*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the several Justices of the Peace within their respective Divisions and Jurisdictions in *England* and *Wales* shall and they are hereby required to appoint a Time and Place or Times and Places, which Time or Times shall be on or before the Twentieth Day of *November* One thousand eight hundred and thirty-nine, for the Surveyors of the Highways of the several Parishes, and also of the several Townships, Places, or Divisions, which repair their own Highways, and for the Surveyors of the Highways of any former Year if necessary, to deliver to them respectively the Returns to the several Matters and Things in this Act contained, and stated in the Schedule (A.) to this Act annexed; and Two or more of the said Justices shall and they are hereby required to cause Notice to be given to such Surveyors of the Highways, or to the Person or Persons, Trustee or Trustees, exercising

Justices to appoint a Time and Place for the Surveyors of the Highways to deliver Returns to the Matters stated in the annexed Schedule (A.), and to give Notice to them to make such Returns to the Constables, requiring their

Attendance at such Meetings.

exercising the Duties of the Office of Surveyor of the Highways, to make such Returns respectively within their respective Jurisdictions, and also to the High Constables, and where there are no High Constables to such other proper Officers who have the Execution of Precepts from Justices of the Peace within such respective Jurisdictions, at least Six Days before the Day of such Meeting or Meetings respectively, requiring their Attendance at such Meeting or Meetings for the Purposes of this Act.

Justices to receive Returns, and examine Officers to the Truth, and attest the same.

II. And be it further enacted, That any Two or more of the said Justices of the Peace shall and may and they are hereby authorized and required, at such Meeting or Meetings so to be appointed as aforesaid, to receive and take the Returns to be made by the Surveyors of the Highways as aforesaid in Writing signed by themselves, pursuant to the Directions of this Act, and then and there administer to them respectively the Declarations contained in this Act; and such Justices are hereby authorized, if they shall see Cause, to take the Declaration of such Surveyors of the Highways, touching any of the Matters contained in such Returns respectively, and to call for the original Accounts of such Surveyors of the Highways, if they shall see fit, in order to explain and verify the said Returns as shall then be made; and the said Justices shall sign and attest such Returns at the Foot of the same, without Fee, when on Inspection the same shall appear to them to be complete, and deliver such Returns so signed and attested to the respective High Constables or other proper Officers as aforesaid, in order that the same may be by them transmitted to the Clerks of the Peace or Town Clerk, as herein is directed.

Constables to receive from the Clerks of the Peace Copies of the Schedule (A.), and deliver them to the Surveyors; and to attend the Meetings, and receive and transmit the Returns &c. to the Clerks of the Peace.

III. And be it further enacted, That the said High Constables or other proper Officers within the respective Jurisdictions as aforesaid shall, at the *Michaelmas* Quarter Sessions of the Peace in the Year One thousand eight hundred and thirty-nine, (or as soon thereafter as may be,) receive from the said Clerks of the Peace or Town Clerks printed Copies of the Schedule (A.) to this Act annexed, and forthwith deliver or cause to be delivered out One Copy of such Schedule to One of the then Surveyors of the Highways of every Parish, Township, or Place within their respective Limits, as well within Towns Corporate as without; and when required by the respective Justices of the Peace as aforesaid attend the said Meeting or Meetings, and then and there receive the several Returns made by the said Surveyors of the Highways, and endorse upon the Back of each of them the Name of the Hundred, Rape, Wapentake, Lathe, Precinct, Soke, Franchise, Liberty, City, or Town Corporate wherein the said Parish, Township, or Place therein mentioned is situate, and deliver or transmit the same, together with a true and perfect List of every Parish, Township, and Place, and also of the Surveyors of the Highways to whom such Schedule shall have been delivered as aforesaid, to the several Clerks of the Peace and Town Clerks at the *Epiphany* Quarter

Sessions of the Peace to be holden in the Year One thousand eight hundred and forty, or some Adjournment or Adjournments thereof; (which Adjournment and Adjournments the Justices at such Quarter Sessions are required to make to some convenient Day within Twenty Days after the said *Epiphany* Quarter Sessions in the Year One thousand eight hundred and forty, and from Time to Time as often as shall be necessary to some other convenient Days within Ten Days from the preceding Day of Adjournment, in all Cases where such Returns shall not be made at the said *Epiphany* Quarter Sessions, and until full and complete Returns shall be made,) upon pain of Forfeiture for every Default and Neglect in the Matters aforesaid a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices of the Peace before whom Complaint thereof shall be made.

Surveyors of the Highways to attend also, and deliver the Accounts herein required.

IV. And be it further enacted, That the Surveyors of the Highways in every such Parish, Township, and Place shall and they are hereby required to attend the Justices of the Peace at such Meeting or Meetings which shall be so appointed, and then and there deliver to the said Justices, in Writing signed by them, a just and true Account as herein directed (according to their Knowledge of the same) of the estimated Extent of public Highways or Roads used for Wheel Carriages, computing the aggregate Length of such Highways in Statute Miles of Seventeen hundred and sixty Yards to a Mile, distinguishing Streets or Roads paved or repaired under any Local Act and Turnpikes, if any, within their respective Districts, Parishes, Townships, or Places, and also Accounts, as nearly as the same can be ascertained, of all and every the Sum or Sums raised and expended by them for or on account of the Highways within their respective Districts, Parishes, Townships, or Places for the several Years ending in *March* One thousand eight hundred and thirty-seven, One thousand eight hundred and thirty-eight, and One thousand eight hundred and thirty-nine, and also the Amount in the Pound at which the Highway Rate was assessed, according to the different Heads of Disbursements described in the Questions of the Schedule (A.) to this Act annexed, and shall respectively fill up the Blanks and other Spaces in such Schedule, and the several Matters required to be therein returned, according to the Truth of the Case; and shall also at the same Time produce to the said Justices, if required, the Accounts of all Money received and expended on the Highways, for their Inspection and Examination; and that every Surveyor of the Highways making default in any of the Matters hereby required shall for every such Neglect or Default forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made; and in order to enable the said Surveyors of the Highways to make Answers and Returns as aforesaid they are hereby authorized and empowered to call for, inspect, and take Copies of the Accounts of the Surveyors of the Highways for each of the Years ending in *March*

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One thousand eight hundred and thirty-seven, One thousand eight hundred and thirty-eight, and One thousand eight hundred and thirty-nine, or so much thereof as shall be necessary, in whose Hands soever they shall happen to be; and every Person or Persons in whose Custody or Power every such Account or Accounts shall be shall and they are hereby required to produce and deliver such respective Accounts to the said Surveyors of the Highways for the Purposes aforesaid, upon the Pain of forfeiting for every Default or Neglect in the Premises a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

Clerks of Trustees of Turnpike Roads to transmit Returns according to Form in Schedule (B.)

V. And be it further enacted, That the several and respective Clerks to the Trustees or Commissioners of every Turnpike Road in *England* and *Wales* shall, within Sixty Days after the passing of this Act, transmit to One of Her Majesty's Principal Secretaries of State for the Time being a Return in Writing containing Answers to the Questions in the Form in Schedule (B.) annexed to this Act, upon the Pain of forfeiting for every Default or Neglect a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

Penalty on Officers making false Returns.

VI. And be it further enacted, That if any Surveyor of the Highways, or Clerk to Trustees or Commissioners of Turnpike Roads, required to make any such Return or Returns as aforesaid, shall conceal any Matter or Matters directed to be inquired into by the said Schedules, or either of them, or shall knowingly or wilfully make a false or imperfect Return, every such Surveyor or Clerk shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster* in case the Offence shall be committed in *England*, in the Counties Palatine of *Lancaster*, *Chester*, and *Durham* in case the Offence shall be committed in those Counties, or either of them respectively, or in the Great Sessions of the Principality of *Wales* in case the Offence shall be committed in *Wales*.

Recovery and Application of Penalties.

VII. And be it further enacted, That the several Forfeitures and Penalties inflicted by this Act shall, unless otherwise directed by this Act, if not immediately paid, be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction where such Offender shall dwell, rendering to the said Offender the Overplus (if any), after the Charge of such Distress and Sale shall be deducted; and in case sufficient Distress shall not be found, then it shall be lawful for such Justice to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for a Term not exceeding Three Calendar Months, with or without

without hard Labour, unless the said Forfeitures and Charges shall be sooner paid; and the said Forfeitures, when recovered, shall be paid and applied to the Treasurer of the County, Riding, Division, Precinct, Soke, Franchise, Liberty, City, and Town Corporate in which the Offender shall dwell, in aid of the County or other Rates; and any Person shall be deemed a competent Witness for the Execution of any of the Purposes of this Act notwithstanding his paying or being liable to pay towards such County Rates or other Rates.

Justices to administer Declarations to Surveyors.

VIII. And be it further enacted, That any Justice of the Peace aforesaid before whom any Return shall be made in pursuance of this Act by any Surveyor of the Highways shall and he is hereby empowered and required to administer to such Surveyor of the Highways the following Declarations; *videlicet*,

Forms of Declaration.

'YOU do solemnly and sincerely declare, That the Return made by you contains, to the best of your Knowledge and Belief, a full and true Answer to the Questions contained in the Schedule (A.) of the Act, intituled *An Act for procuring Returns relative to the Highways and Turnpike Roads in* England *and* Wales; and you make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affirmations;' and to make other Provisions for the Abolition of unnecessary Oaths.*'

'YOU do solemnly and sincerely declare, That you will true Answer make to all such Questions as shall be demanded of you touching these your Returns relative to the Highways of the Parish [*or* Township] of as far as the same is within your Knowledge.'

Making false Declaration a Misdemeanor.

IX. And be it further enacted, That in case any Person or Persons shall wilfully and corruptly make a false Declaration touching any of the Matters contained in this Act, every such Person or Persons offending shall be deemed guilty of a Misdemeanor.

Copy of Act and of Schedule (A.), to be transmitted by Queen's Printer to Clerks of the Peace.

X. And be it further enacted, That a sufficient Number of printed Copies of this Act, and also of the Schedule (A.) hereunto annexed, shall, as soon as conveniently may be after the passing of this Act, be transmitted by Her Majesty's Printer to the Clerks of the Peace of the several and respective Counties, Ridings, Divisions, Precincts, Sokes, Franchises, and Liberties in *England* and *Wales*; and that the said several Clerks of the Peace shall and they are hereby required, at the *Michaelmas* Quarter Sessions One thousand eight hundred and

thirty-nine, to cause the said Acts to be distributed among all and every the acting Justices of the Peace within their respective Limits, and also a sufficient Number of the Schedule (A.) to this Act annexed to be delivered to the High Constables or other proper Officers who have the Execution of Precepts from such Justices of the Peace within their respective Limits; and which said Clerks of the Peace shall also cause a sufficient Number of such Copies of this Act and Schedule respectively to be delivered to the Town Clerks or other proper Officers of every City, Borough, Town Corporate, or Place in which Quarter Sessions of the Peace are usually holden, situate in the County, Riding, or Division for which the said Clerks of the Peace shall respectively act, to be by the said Town Clerks respectively distributed in like Manner among the acting Justices of the Peace in every such City, Borough, Town Corporate, or Place, and among the proper Officers who have the Execution of Precepts from such Justices of such City, Borough, Town Corporate, or Place; and the said Clerks of the Peace and Town Clerks respectively shall also receive the Returns to be made pursuant to the Directions herein given, and transmit the same, with a List thereof (and also another List therewith of Parishes or Places not having made due Returns), to One of Her Majesty's Principal Secretaries of State within Thirty Days after the respective *Epiphany* Quarter Sessions, in order that an Abstract of the same may be made and presented to both Houses of Parliament, upon pain of forfeiting for every Neglect and Default a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

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SCHEDULE (A.)

QUESTIONS to which, by Directions of an Act passed in the Third Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales," written Answers are to be returned by the Surveyor of the Highways of every Parish, Township, or District in England and Wales; for which Purpose the said Surveyor of the Highways is to attend the Justices of the Peace within their respective Jurisdictions, on pain of incurring the Penalties imposed by the said Act for every wilful Default or Neglect.

First: What is the estimated Extent of public Highways or Roads used for Wheel Carriages within your Parish or District, computing the aggregate Length of such Highways in Statute Miles of One thousand seven hundred and sixty Yards to a Mile, distinguishing Streets or Roads repaired under any Local Act and Turnpikes (if any) from all other such Highways or Roads?

Second: What was the Amount of Rates levied for the Repair of the Highways in each of the Years ending in March 1837, 1838, and 1839?

Third: What was the Amount expended in Repairs of the Highways in each of those Years respectively?

Fourth: What was the Amount of Money expended in Law and other Expences relative to the Highways, exclusive of Repairs occasioned by Presentments or Indictments, in those Years respectively?

Fifth: What was the total Amount of Money expended in those Years respectively?

In answer to this Question you are to take care that the Amount be the Total of the Two Columns marked 3 and 4, or to explain on the Schedule why it does not agree therewith.

Sixth: What was the Amount in the Pound at which the Highway Rate was assessed in each of the Years ending in March 1837, 1838, and 1839?

Seventh: Are there any Matters which you think it necessary to remark in explanation of your Answers to any of the preceding Questions?

Names and Description of District, and whether usually styled Parish, Township, Tithing, Hamlet, or the like; and if not a Parish, in what Parish.	Years ending in March	To Question 1. Length of the public Highways used for Wheel Carriages.			To Question 2.	To Question 3.	To Question 4.	To Question 5.	To Question 6.
		Streets or Roads paved or repaired under a Local Act.	Turnpikes.	All other Highways.	Amount of Rates levied.	Amount of Money expended in Repairs of Highways.	Amount of Money expended in Law and other Expences occasioned by Presentment or Indictment.	Total Expenditure in Money in these Years respectively.	Amount in the Pound at which the Highway Rate was assessed.
					£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	1837.								
	1838.								
	1839.								
Remarks in answer to Question 7.									

I *A.B.*, residing at in the County of Surveyor of the Highways for the of in the County of do solemnly and sincerely declare, That the above Return contains, to the best of my Knowledge and Belief, a full and true Answer to the Questions contained in Schedule (A.) of an Act, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales;" and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the Abolition of unnecessary Oaths."

(Signed) Surveyor of the Highways.

Declared before us *C. D.*, *E. F.*, Justices of the Peace in and for the of this Day of One thousand eight hundred and

(Signed) *C. D.*
E. F.

SCHEDULE (B.)

QUESTIONS to which, by Direction of an Act passed in the Third Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales," written Answers are to be transmitted by the Clerk to the Trustees or Commissioners of every Turnpike Road to One of Her Majesty's Principal Secretaries of State within Sixty Days after the passing of the said Act, on pain of incurring the Penalties imposed by the said Act for every wilful Default or Neglect.

First: What is the estimated Extent of the Turnpike Road within the Trust of which you are Clerk, computing the aggregate Length of such Road in Statute Miles of One thousand seven hundred and sixty Yards to a Mile?

Second: How many Gates and Side Bars are erected on such Road or the Sides thereof?

Third: What are the Number of Parishes or Extra-parochial Places, and Names of each, through which such Turnpike Road passes, and the Extent of Miles in each such Parish or Extra-parochial Place?

Fourth: What is the present Condition of such Road, and is any Part under Indictment for Want of Repair?

Fifth: Whether the whole of such Road is repaired by the Trustees, or in part by any Parish; and if so, how much?

Sixth: To what Extent (if any), in your Opinion, have the Securities held by the Creditors on Turnpike Road Bonds in your Trust been affected by the Introduction of Railroads?

Seventh: To what Extent, if any, in your Opinion, have such Securities been affected by the Abolition of Statute Labour?

Eighth: By what Statute (or Statutes) is your Trust regulated, and at what Period will such Statute (or Statutes) expire?—State the Year of the Reign in which each Statute was passed, and the Chapter?

Ninth: What was the Total Amount of the Bonded or Mortgage Debt in your Trust on the 31st December 1838?

Tenth: At what Period or Periods was the Money borrowed?

Eleventh: How much of the Bonded or Mortgage Debt consists of unpaid Interest converted into Principal; and when and by what Authority did such Conversion take place?

Twelfth: What was the Total Amount of Interest paid to the Holders of Bonds or Mortgages in each of the Years 1832, 1833, 1834, 1835, 1836, 1837, and 1838 respectively?

Thirteenth: At what Rate per Cent. was Interest due on such Securities; and at what Rate per Cent. was Interest actually paid in each of those Years respectively?

Fourteenth: Are there any Matters which you think it necessary to remark in explanation of your Answers to any of the preceding Questions?

'I *A.B.* of in the County of Clerk to the Trustees [*or* Commissioners] of the Turnpike Trust in the County of do hereby certify, That the above Return contains, to the best of my Knowledge and Belief, a full and true Answer to the above Questions.

'(Signed) *A.B.*

'the Day of 18 .'

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1839.