CAP. LIX.

An Act to authorize for One Year, and until the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases. [22d *June* 1841.]

5 & 6 W. 4. c. 50.

'WHEREAS an Act was passed in the Fifth and Sixth Years of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, whereby divers Statutes passed in the Reign of His late Majesty King *George* the Third, relating to the Performance of Statute Duty, were repealed, and Statute Duty was thereby altogether abolished: And whereas the Revenues of some Turnpike Roads are so unequal to the Charge and Maintenance of such Roads, after paying the Interest and Principal of the Sums due upon Mortgage of the Tolls thereof, when deprived of the Aid heretofore derived from Statute Duty, that it is necessary that some additional Provision be made for such Roads, for a limited Period:' Be it therefore 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 it shall be lawful for the Justices at any Special Sessions for the Highways holden after the passing of this Act, upon Information exhibited before them by the Clerk or Treasurer of any Turnpike Trust that the Funds of the said Trust are insufficient for the Repairs of the Turnpike Roads within any Parish, Notice in Writing of such intended Information having been previously given on the Part of such Clerk or Treasurer to the Parish Surveyor Twenty-one Days at least before such Special Sessions, to examine the State of the Revenues and Debts of such Turnpike Trusts, and to inquire into the State and Condition of the Repairs of the Roads within the same, and also to ascertain the Length of the Roads, including Turnpike Roads, within such Parish, and how much of such Road is Turnpike Road, and if after such Examination it shall appear to the said Justices necessary or expedient, for the Purposes of any Turnpike Road, so to do, then to adjudge and order what Portion, if any, of the Rate or Assessment levied or to be levied by virtue of the said recited Act shall be paid by the said Parish Surveyor, and at what Time or Times, to the said Commissioners or Trustees, or to their Treasurer or other Officers, appointed by them on that Behalf, such Money to be wholly laid out in the actual Repairs of such Part of such Turnpike Road as lies within the Parish from which it was received.

Justices at Special Sessions for Highways, on Proof of the Deficiency of the Funds, &c. of any Turnpike Trust, may order Payment to said Trust of a Portion of the Highway Rate.

II. And be it enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such Portion of the said Rate or Assessment at the Time or Times and in the Manner mentioned in the Order of the said Justices, the same shall and

Parish Surveyor neglecting to pay such Portion of Rate it may be levied by Distress.

and may be levied upon the Goods and Chattels of such Surveyor in such Manner as Penalties and Forfeitures are by the said recited Act authorized to be levied.

Power of Appeal to Justices at Quarter Sessions.

III. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Order, Judgment, or Determination made or by any Matter or Thing done by any Justices of the Peace at any such Special Sessions, in pursuance of this Act, such Person shall be at liberty to make his Complaint thereof by Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County, Riding, Division, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving to such Justices Ten Days Notice in Writing of the Grounds of such Appeal, withinSix Days after such Order, Judgment, or Determination shall be so made or given as aforesaid, who are hereby required, within Forty-eight Hours after the Receipt of such Notice, to return all Proceedings whatever had before them respectively touching the Matter of such Appeal to the said Justices at the General or Quarter Sessions aforesaid; and that in case of such Appeal the said Justices at the said Quarter Sessions, upon due Proof of such Notice and Statement having been given as aforesaid, shall hear and determine such Appeal; and the said Justices at the said Quarter Sessions shall have Power to award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, such Costs to be levied and recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said recited Act; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form: Provided always, that in case there shall not be Time to give such Notice as aforesaid before the next Sessions to be holden after such Order, Determination, or Judgment, then and in every such Case such Appeal may be made to the Justices at the next following Sessions, who shall proceed to determine such Appeal in manner aforesaid: Provided always, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statements as aforesaid.

Interpretation Clause.

IV. And be it enacted, That in construing this Act the Word "Parish" shall be taken to mean and include Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapelry, or other Place or District maintaining its own Highways.

Extent of Act.

V. And be it enacted, That this Act shall extend only to *England*.

Duration of Act.

VI. And be it enacted, That this Act shall continue and be in force for One Year from the passing thereof, and from thence until the End of the then next Session of Parliament.

Amendment of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.