ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LIX.

An Act for remedying certain Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in *England*.

[24th *June* 1803.]

WHEREAS the Inhabitants of Counties in that Part of the United Kingdom called *England*, are by Law bound to repair, ſupport, and maintain the publick Bridges, commonly called *County Bridges*, within ſuch Counties reſpectively, and the Roads at each of the Ends thereof for limited Diſtances; but the Laws empowering them ſo to do are inſufficient and defective: And whereas Doubts have ariſen how far the ſaid Inhabitants are liable to improve ſuch Bridges when they are not ſufficiently commodious for the Publick; for Remedy thereof, 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 it ſhall be lawful to and for the Surveyor of Bridges and other publick Works, in each and every County reſpectively within that Part of the United Kingdom called *England*, appointed or to be appointed by the Juſtices at any General Quarter Seſſions of the Peace to be holden for ſuch County, and the ſaid Surveyor is hereby authorized and empowered to ſearch for, take, and carry away Gravel, Stone, Sand, and other Materials, for the Repair of ſuch Bridges and Roads at the Ends thereof, as the Inhabitants of Counties are bound to

Surveyors of County Bridges empowered to get Materials for the Repair of Bridges in the ſame Manner as Surveyors of Turnpike Roads.

to repair, and to remove Obſtructions and Annoyances from ſuch Bridges and Roads, in ſuch and the ſame Manner as the Surveyor or Surveyors of any Common Highway within this Kingdom, is or are by an Act made and paſſed in the Thirteenth Year of the Reign 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 publick Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*, authorized to do; and the ſeveral Powers and Authorities thereby veſted in the Surveyor or Surveyors of Highways, as well for the getting of Materials as the preventing and removing of all Nuiſances and Annoyances from ſuch Bridges and Roads, ſhall be and the ſame are hereby veſted in the Surveyor and Surveyors of County Bridges, and the Roads at the Ends thereof as aforeſaid; and the ſeveral Penalties, Forfeitures, Matters, and Things, in the ſaid Act contained, relating to Highways, ſhall be and the ſame are hereby extended and applied, as far as the ſame are applicable, to ſuch Bridges, and the Roads at the Ends thereof as aforeſaid, as fully and effectually as if the ſame and every Part thereof were herein repeated and re-enacted; the ſaid Surveyor or Surveyors making Satisfaction and Compenſation for all Treſpaſs and Damage done in the Execution of the Powers of this Act, in ſuch and the ſame Manner as the Surveyors of Highways are required to make in and by the ſaid above mentioned Act of the Thirteenth Year of the Reign of His preſent Majeſty.

13 Geo. 3. c. 78.

Quarter Seſſions may alter the Situation of County Bridges, &c.

II. And be it further enacted, That where any Bridge or Bridges, or Roads at the Ends thereof, repaired at the Expence of any County, ſhall be narrow and incommodious, it ſhall and may be lawful to and for the ſaid Juſtices at any of their General Quarter Seſſions, to order and direct ſuch Bridge or Bridges, and Roads, to be widened, improved, and made commodious for the Publick; and that where any Bridge or Bridges, repaired at the Expence of any County, ſhall be ſo much in Decay as to render the taking the ſame wholly down neceſſary or expedient, it ſhall and may be lawful to and for the ſaid Juſtices, at any of their ſaid General Quarter Seſſions, to order and direct the ſame to be rebuilt, either on the old Scite or Situation, or on any new one more convenient to the Publick, contiguous to or within Two hundred Yards of the former one, as to ſuch Juſtices ſhall ſeem meet; and if, for the Purpoſe of altering the Situation, or of widening or enlarging any ſuch Bridge or Bridges, Road or Roads as aforeſaid, it ſhall be neceſſary to purchaſe any Land or Ground, it ſhall and may be lawful for ſuch County Surveyor or Surveyors, by and under the Direction of ſuch Juſtices at their General Quarter Seſſions as aforeſaid, to ſet out and aſcertain the ſame, not exceeding in the Whole One Acre at any One ſuch Bridge as aforeſaid, and to contract and agree with the Owner or Owners of ſuch Land, and Perſons intereſted therein, for the Purchaſe thereof, either by a Sum in groſs, or by an annual Rent, at the Option of ſuch Owner or Owners; and if the ſaid Surveyor or Surveyors cannot agree with the ſaid Owner or Owners for the Purchaſe thereof, or the Recompence to be made for the ſame, or by Reaſon of ſuch Owner or Owners not being to be found, ſhall be prevented from treating, then and in every ſuch Caſe, the ſaid Juſtices in their General Quarter Seſſions ſhall impannel a Jury, and aſſeſs the Compenſation and Satisfaction for ſuch Land, and for the Treſpaſs and Damage to be done by the Execution of the Powers of this Act, in the ſame Manner as they are authorized

authorized and empowered to do by the ſaid above mentioned Act of the Thirteenth Year of the Reign of His preſent Majeſty, in relation to Highways; and all and every the Clauſes, Powers, Proviſions, Exemptions, Penalties, Matters, and Things, in the ſaid Act contained, as well with reſpect to impannelling Juries, examining and ſwearing Witneſſes, Payments of Expences, enabling Bodies Politick, Corporate, and Collegiate, and other incapacitated Perſons, to ſell and convey, and all other the Powers and Proviſions of the ſaid Act, ſhall be, and the ſame are hereby extended and applied to the Works by this Act authorized to be done and performed, as far as the ſame are applicable, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein particularly repeated and re-enacted; provided, that no Money ſhall be applied to the Amendment or Alteration of any ſuch Bridge or Bridges, until Preſentment ſhall have been made of the Inſufficiency, Inconveniency, or Want of Reparation of ſuch Bridge or Bridges, in purſuance of ſome or One of the Statutes made and now in force concerning publick Bridges.

Tools and Materials provided by the Quarter Seſſions veſted in the Surveyor.

III. And be it further enacted, That the Right and Property of all Tools, Implements, Timber, Bricks, Stones, Gravel, and other Materials, purchaſed, gotten, or had, or to be purchaſed, gotten, or had, by or by the Order of Juſtices in Counties, or the Surveyor of County Bridges for the Time being, or in any Reſpect belonging to ſuch Counties, ſhall be and the ſame are hereby veſted in ſuch Surveyor for the Time being; in whom upon any Action or Indictment being commenced or proſecuted, ſuch Property may be laid.

Inhabitants of Counties may ſue for Damages done to Bridges in the Name of the Surveyor.

IV. And be it further enacted, That the Inhabitants of Counties ſhall and may ſue for any Damages done to Bridges and other Works maintained and repaired at the Expence of ſuch Counties reſpectively, and for the recovering of any Property belonging to ſuch Counties, in the Name of their Surveyor, and alſo ſhall and may be ſued in the Name of ſuch Surveyor; and no Action or Proſecution to be brought or commenced by or againſt the Inhabitants of Counties, by virtue of this Act, in the Name of the ſaid Surveyor, ſhall abate or be diſcontinued by the Death or Removal of ſuch Surveyor, or by the Act of the Surveyor, without the Conſent of the Juſtices at their General Quarter Seſſions aſſembled, but the Surveyor for the Time being ſhall be deemed the Plaintiff or Defendant in ſuch Actions, as the Caſe may be: Provided always, that every ſuch Surveyor in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid, out of the Monies in the Hands of the Treaſurer of the publick Stock of ſuch County reſpectively, all ſuch Coſts and Charges as he ſhall be put unto or become chargeable with by Reaſon of his being ſo made Plaintiff or Defendant therein; and alſo all the Coſts and Charges of proſecuting any Indictment or Indictments, or other Proceedings, againſt any Perſon or Perſons whomſoever.

Deſcription of Bridges, Inhabitants of Counties ſhall be liable to repair.

V. And, for the more clearly aſcertaining the Deſcription of Bridges hereafter to be erected, which Inhabitants of Counties ſhall and may be bound or liable to repair and maintain; be it further enacted, That no Bridge hereafter to be erected or built in any County, by or at the Expence of any Individual or private Perſon or Perſons, Body Politick or Corporate, ſhall be deemed or taken to be a County Bridge, or a Bridge which the Inhabitants

Inhabitants of any County ſhall be compellable or liable to maintain or repair, unleſs ſuch Bridge ſhall be erected in a ſubſtantial and commodious Manner, under the Direction or to the Satisfaction of the County Surveyor, or Perſon appointed by the Juſtices of the Peace at their General Quarter Seſſions aſſembled, or by the Juſtices of the Peace of the County of *Lancaſter*, at their annual General Seſſions; and which Surveyor, or Perſon ſo appointed, is hereby required to ſuperintend and inſpect the Erection of ſuch Bridge, when thereunto requeſted by the Party or Parties deſirous of erecting the ſame; and in caſe the ſaid Party or Parties ſhall be diſſatisfied, the Matter ſhall be determined by the ſaid Juſtices reſpectively at their next General Quarter Seſſions, or at their annual General Seſſions in the County of *Lancaſter*.

Orders reſpecting County Bridges in the County of *York* to be made by the Seſſions held the firſt Week after *Eaſter*.

VI. And be it further enacted, That all Orders and Proceedings made and had within the County of *York*, relative to County Bridges, ſhall in future be made and had by the Juſtices of the reſpective Ridings, aſſembled at the annual and General Quarter Seſſions of the Peace holden the Firſt whole Week after *Eaſter*, and at no other Seſſions whatever within ſuch Ridings, except at ſuch Adjournment as ſhall be made at the above annual and General Quarter Seſſions ſo holden as aforeſaid, for the expreſs Purpoſe of carrying ſuch Orders made as aforeſaid into Effect: Provided nevertheleſs, that it ſhall and may be lawful for any Two Juſtices of the ſaid Ridings reſpectively, in Caſes of Emergency, to give ſuch Orders for making temporary Bridges, or ſuch temporary Repairs as ſhall be neceſſary for the temporary Accommodation of the Publick.

Act not to extend to Bridges repaired by reaſon of Tenure.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to any Bridges or Roads which any Perſon or Perſons, Bodies Politick or Corporate, is, are, or ſhall be liable to maintain or repair by reaſon of Tenure, or by Preſcription, or to alter or affect the Right to repair ſuch Bridges or Roads.

Publick Act.

VIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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