

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXLIII.

An Act to amend the Acts relating to the building and repairing of County Bridges. [6th *July* 1815.]

WHEREAS in and by an Act made and passed in the Forty-third Year of the Reign of His present Majesty, intituled *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, it is enacted, that it should be lawful to and for the Surveyor of Bridges and other public 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 Surveyors were thereby authorized and empowered to search for, take, and carry away Gravel, Stone, Sand, and other Materials, for the Repair of certain Bridges therein mentioned, and Roads at the Ends thereof, being such as the Inhabitants of Counties are bound 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 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 Public 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,

43 G. 3. c. 59.

13 G. 3. c. 78.

Highways, as well for the getting of Materials as the preventing and removing of all Nuiſances from ſuch Bridges and Roads, ſhould be, and the ſame were thereby 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, ſhould be, and the ſame were thereby 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 therein repeated and re-enacted; the Surveyor or Surveyors making Satisfaction and Compenſation for all Treſpaſs and Damage done in the Execution of the Powers of that Act, in ſuch and the ſame Manner as the Surveyors of Highways are required to make, in and by the ſaid recited Act: And whereas an Act was made in the Fifty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act to explain and extend an Act paſſed in the Forty-third Year of His preſent Majeſty, intituled 'An Act for remedying 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,' *and for extending the ſaid Act to Bridges and other Works maintained at the Expence of Hundreds:* And whereas it is expedient, that Surveyors of County Bridges and other Perſons, being under Contract for the rebuilding or repairing ſuch Bridges, or Bridges repaired by the Inhabitants of Hundreds and other General Diviſions of Counties in the Nature of Hundreds, ſhould have a more extended Power for procuring Materials than is at preſent veſted in ſuch Surveyors of County Bridges, by the Operation of the ſaid firſt recited Act, ſo far as relates to the procuring of Stone for ſuch Purpoſes from Quarries; 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 from and after the paſſing of this Act it ſhall and may be lawful to and for every Surveyor of ſuch Bridges in each and every County 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 alſo to and for the Bridge Maſter or all and every Perſons or Perſon who may at the paſſing of this Act, or from and after the paſſing thereof, be under Contract for the rebuilding or repairing of any public Bridge, built or repaired at the Expence of the Inhabitants of any ſuch County, Hundred, or General Diviſion as aforeſaid; and ſuch Surveyor and Surveyors, and alſo ſuch other Perſon or Perſons, are hereby authorized and empowered, with the Conſent and by the Order of Two Juſtices of the Peace, acting for the County in which ſuch Bridge is intended to be rebuilt or repaired, firſt had and obtained for that Purpoſe, to ſearch for, work, dig, get, and carry away any Stone, in, from, or out of any Quarry or Quarries whatſoever, within the County or Counties to which ſuch Bridge may belong; other than and except ſuch Quarries as may be ſituated within a Garden, Yard, Avenue to a Houſe, Lawn, Park, Paddock or incloſed Plantation, or as may now or hereafter have Ornamental Timber Trees growing thereon, without the Licence or Conſent of the Owner or Owners of ſuch Quarry or Quarries, as ſuch Surveyor or other Perſon or Perſons ſhall judge neceſſary for the rebuilding or repairing of ſuch Bridges reſpectively, provided ſuch Quarry or Quarries ſhall have been worked within the laſt Three Years preceding the Time when ſuch Bridge

54 G. 3. c. 90.

Surveyors of County Bridges, and other Perſons employed under Contracts, empowered to take Stones for the Repair of County Bridges.

Conſent and Order of Two Juſtices of the Peace neceſſary.

Quarries ſituated in Gardens and Pleaſure Grounds, not to be uſed without Conſent of the Owners.

Bridge shall be about to be rebuilt or repaired; the said Surveyor or other Person or Persons making such Satisfaction and Recompence for the Value of such Stone, and also for the Damage to be done to such Quarry or Quarries by the getting and carrying away the same, as shall be agreed upon between him or them, and the Owner, Occupier or other Person interested in such Quarry or Quarries respectively; and in case they cannot agree, or such Owner or Occupier or other Person interested shall refuse to treat, then and in every such Case the Justices of the Peace at their General or Quarter Sessions, or any Two or more of them appointed for that Purpose, Fourteen Days Notice having been given to the Owner or his Agent of the Intention to require a Jury, shall cause the Value of such Stones and Amount of such Damage to be enquired into and ascertained by a Jury of indifferent Men of the County, Riding, Division, City, Town, Liberty, or Precinct wherein the same shall be situated; and to that end shall summon and call before such Jury and examine upon Oath (which Oath any Two or more of such Justices of the Peace is and are hereby empowered to administer) any Person or Persons whomsoever; and such Justices of the Peace, or any Two of them, shall, by ordering a View or otherwise, use all Ways and Means for the Information of themselves and of such Jury in the Premises; and when such Jury shall have enquired of and ascertained the Value of such Stones and Amount of such Damage, the said Justices of the Peace shall thereupon order that the Sum or Sums, which shall so appear to be the Value of such Stones and Amount of such Damage shall be paid; which Verdict or Inquisition and Order shall be filed of Record by the Clerk of the Peace, or other Officer having the Custody of the Records of the said County, Riding, Division, City, Town, Liberty, or Precinct, and shall be final and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Lunatics, Idiots, and Persons under Coverture, or any other Disability whatsoever, Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any other Person or Persons whomsoever.

Satisfaction to be made for Stone, and Damage done.

In case of Refusal to treat, Justices at General or Quarter Sessions shall cause the Value of the Stones, and Amount of the Damage done, to be ascertained by a Jury.

Witnesses called before the Jury, may be examined upon Oath.

II. And, for the summoning and returning such Juries, be it further enacted, That such Justices of the Peace, or any Two of them, may issue their Warrant or Warrants to the Sheriff or Bailiff of any particular County, Riding, Division, City, Town, Liberty, or Precinct, within the Limits, of which the Quarry or Quarries shall be situated, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve on Juries, to appear before the said Justices, or any Two of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or Bailiff is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the Justices of the Peace, or any Two of them shall, and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or Bailiff shall take such other honest and indifferent Men of the Bystanders, or that can speedily be procured to attend that Service, to make

Justices of the Peace may require Sheriffs or Bailiffs to return Juries.

Jury.

make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Justices of the Peace, or any Two of them, shall have Power from Time to Time to impose a Fine or Fines on such Sheriff or Bailiff, or his Deputy or Deputies, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect his or their Duty therein, and also on any Person who being summoned and required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or to give Evidence, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any one Person for one Offence.

Penalty on Jury refusing to appear or to be sworn, and on Persons summoned to attend, refusing to give Evidence.

III. And be it further enacted, That in case any Jury shall give in and deliver a Verdict for more Money as the Value of such Stones and Amount of such Damage, than what shall have been offered for the Purchase thereof by such Surveyor or other Person or Persons as aforesaid, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid out of the Rates to be collected within such County respectively; but if such Jury shall give in and deliver a Verdict for no more or for less Money than the Money which shall have been so offered by such Surveyor or other Person or Persons as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom such Controversy or Dispute touching the Value of such Stones and Amount of such Damage shall arise, and shall be levied by the Warrant of one of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons made liable to the Payment thereof.

Expences of the Jury, how to be defrayed.

IV. Provided always, and be it further enacted, That if any Person or Persons shall or may think himself, herself, or themselves aggrieved by any Thing done or to be done in pursuance of this Act, such Person or Persons may within the Space of Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Limit wherein the Cause of Complaint shall arise, every such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Person or Persons against whom such Complaint shall be made, and within Three Days next after such Notice entering into a Recognizance before some Justice of the Peace acting for the County wherein the Cause of Complaint shall arise, with Two sufficient Sureties conditioned to try such Appeal, and to abide by the Order of and pay such Costs as shall be awarded by the Justices at such Session aforesaid; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and make such Award to the Party appealing or appealed against, as the said Justices shall think proper; and the Determination of such Justices so assembled shall be binding and conclusive to all Intents and Purposes.

Persons aggrieved may appeal to Justices assembled in General Quarter Sessions.

Appellant to enter into Recognizance.

Justices to determine the Matter of Appeal in a summary Way.

Enabling Justices to contract for the Repair of County Bridges, &c.

V. And whereas it is expedient that the Powers contained in an Act passed in the Forty-third Year of His present Majesty, intituled *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, for authorizing the Justices of the Peace of any County, City, Riding, Division, Town Corporate, or Liberty, at their General Quarter Session of the Peace, to contract for maintaining and keeping in Repair Roads over County Bridges, and so much of the Roads at the ending thereof as by Law is to be repaired at the Expence of Counties, although no Presentment shall have been made of the Want of Repair, as directed by an Act passed in the Twelfth Year of His late Majesty King *George* the Second, intituled *An Act for the more easy assessing, collecting, and levying of County Rates*, should be extended to the Bridges as well as to the Roads at the End thereof; be it further enacted, That from and after the Day of passing this Act it shall and may be lawful to and for the Justices of the Peace of any County, City, Riding, Division, Town Corporate or Liberty, at their General Quarter Sessions respectively, to contract and agree, or to authorize any other Person or Persons to contract and agree, with any Person or Persons, for the maintaining and keeping in Repair any County or Hundred Bridge, and the Road over such County or Hundred Bridge, and so much of the Road at the Ends thereof as are by Law liable to be repaired at the Expence of any such County, Hundred, City, Riding, Division, Town Corporate or Liberty, or any Part of the same; and the said Justices are hereby empowered to order such Sum or Sums of Money as may be contracted for and agreed to be paid for the repairing, amending, and supporting such Bridges, and the Roads over the same, or the Ends thereof, to be paid (in Cases where the County is liable to the Repair thereof) by the Treasurer of the County out of the County Rate, or (in Cases where the Hundred is liable to the Repair of the same) by the Bridge Master (or other public Officer charged with the Repair of Bridges) of the Hundred by which such Bridge is liable to be repaired, for any Term not exceeding Seven Years, nor less than One, although no Presentment of the Insufficiency, Decay, or want of Repair of the same shall have been made, and although no public Notice shall have been given by the said Justices, at their respective General or Quarter Session, of their Intention to contract for the Repair of such Bridges, or the Roads at the Ends thereof, as respectively directed by the said Act of the Twelfth Year of His late Majesty King *George* the Second: Provided nevertheless, that before any such Contract shall be made, the said Justices shall cause Notices to be given in some public Paper circulated in such County, City, Riding, Hundred, Division, Town Corporate or Liberty, of their Intention to contract. 12 G. 2. c. 29.

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