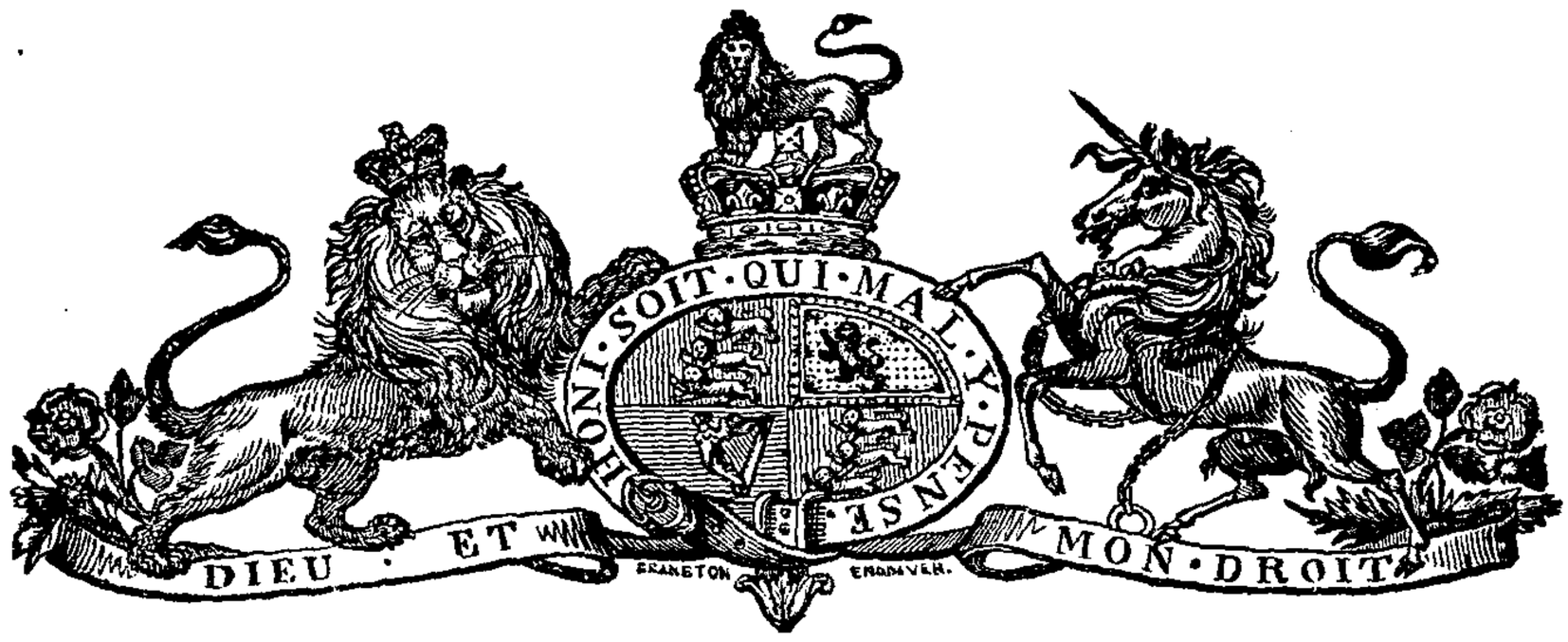


ANNO DECIMO

VICTORIÆ REGINÆ.

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appointed Commissioners for carrying such Act into execution by the Name of "The Commissioners for improving the Town of *Ryde* in the *Isle of Wight*," herein-after referred to as the *Ryde* Commissioners: And whereas it is expedient that the public Roads and Highways within the Town of *Ryde* should be placed under the Management of the *Ryde* Commissioners, and that, for such and other Purposes, the said recited Acts should be altered and amended; but the same cannot be effected without the Authority of Parliament: 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 in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Ryde* Improvement Act, 1847."

Short Title of Act.

The Town of Ryde excluded from the Parishes consolidated under the Highways Act, 53 G. 3. c. 92.

II. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-eight so much of the Parish of *Newchurch* as is comprised within the Limits of the Town of *Ryde* shall cease to be consolidated under the Highways Act with the Residue of the same Parish and the other Parishes and Places consolidated by such Act; and the Powers and Authorities, under such Act, of the Highways Commissioners and their Surveyors, and of all Justices and others, whether under the Highways Act or the *Ryde* Act, shall cease to be exercised within such Town or elsewhere with reference to any of the present or future public Roads and Highways within such Town, subject to the Provisions herein-after contained.

The Highways Act to remain in force as to the other Parts of the consolidated Parishes.

III. Provided always, and be it enacted, That such Residue of the Parish of *Newchurch*, and the other Parishes and Places so consolidated, shall continue consolidated for the Purposes of the Highways Act; and from and after the passing of this Act the Highways Act shall, except so far as shall be necessary for giving full Effect of the Provisions of this Act, have the same Force and Effect and be carried into execution in all respects as if the Town of *Ryde* had never been included in such Consolidation of Parishes and Places.

Act not to take away Power of Justices to make Improvements within the original consolidated District.

IV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to take away, alter, or abridge the Powers given by the said Highways Act to the Justices of the Peace for the County of *Southampton*, acting for the Division of the *Isle of Wight*, to widen, divert, turn, shorten, vary, and alter the Course or Path of any Part or Parts of the several Roads or Highways within the Parishes or Places consolidated by the said Highways Act, whether within the said Town of *Ryde* or without, or to exempt the Occupiers of Lands and Hereditaments within the said Town of *Ryde* from being liable to any general Rate or Assessment to be made by the said Justices, under the Provisions of the said Highways Act, for the Purposes of such widening, altering, enlarging, or diverting as aforesaid, or making Recompence or Compensation for Lands or Hereditaments used for that Purpose,

or for Damages occasioned thereby; but that, so far as relates to such last-mentioned Improvements, and all Rates and Assessments to be made for the Purpose of effecting the same, and all Powers for enforcing Payment thereof, and all Powers for the Purchase of Lands for the Purpose of such Improvements, and for Payment of the Purchase Monies of such Lands, and all Powers and Remedies, Clauses and Conditions, in any Way applicable to such Improvements or the Means of effecting the same, or any Way incidental thereto, the said Highways Act shall be held to extend to and include the said Town of *Ryde*, any thing herein contained to the contrary notwithstanding.

Public Roads and Highways in Ryde to be repaired by the Ryde Commissioners.

V. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-eight the present and all future public Roads and Highways within the Town of *Ryde* shall for ever be repaired, amended, and maintained by the *Ryde* Commissioners by virtue of the *Ryde* Act as if such Roads and Highways had originally been placed with and as Part of the Pavements and Footways within such Town under the Management of such Commissioners; and all the Powers and Authorities of such Commissioners by virtue of such Act, and all the Provisions of such Act, so far as the same respectively may be applicable for the Purposes of this Act, shall extend to such Roads and Highways, and to such Commissioners and all other Persons respectively with reference thereto; and such Act shall accordingly, except so far as the same shall be repugnant to or inconsistent with the Provisions or Purposes of this Act, be construed and take effect with and as Part of this Act.

Highways Commissioners Contracts not to be affected.

VI. Provided always, and be it enacted, That all Powers for enforcing Arrears of Rates, and all Contracts and Liabilities created, occasioned, or incurred before the said First Day of *January* One thousand eight hundred and forty-eight, under the Authority or in pursuance of the Highways Act, shall, except as herein otherwise provided, operate and be in force, and may be sued upon and enforced by or against or with reference to the Highways Commissioners, as fully and effectually as if this Act had not been passed.

Toll Houses in Ryde to be removed.

VII. And be it enacted, That within Three Calendar Months after the passing of this Act all the Turnpikes, Side Gates, and other Buildings erected by and belonging to the Highways Commissioners within the Town of *Ryde* on or for the Purposes of the public Roads and Highways within such Town may and shall be removed by the Highways Commissioners; and in default of the same or any of them being so removed the same may and shall forthwith, after such Three Calendar Months, be taken down and the Materials thereof sold by the *Ryde* Commissioners, they paying on Demand to the Highways Commissioners the net Proceeds of such Sale.

Ryde Commissioners to provide substituted Toll Houses and Turnpikes.

VIII. And be it enacted, That it shall be lawful for the said *Ryde* Commissioners, and they are hereby empowered, at any Time after the First Day of *January* One thousand eight hundred and forty-eight, to provide, in lieu of the Toll Houses, Turnpike Gates, and Side

Side Bars so to be removed as aforesaid, other suitable Toll Houses, not exceeding Four in Number, with sufficient Turnpike Gates and Side Bars (if necessary), with proper Offices and Appurtenances, for the Use of the said Highways Commissioners, their Lessees and Collectors, to be placed at such Places on any of the public Roads or Highways without the Limits of the said Town of *Ryde*, but within One Mile thereof, as shall be approved of by the said Highways Commissioners; and to enable the said *Ryde* Commissioners to provide such Toll Houses, Turnpike Gates, and Side Bars as aforesaid they are hereby empowered either to contract and agree with any Person or Persons to provide such Toll Houses, Turnpike Gates, and Side Bars as aforesaid, or by and out of the Monies raised by virtue of the said *Ryde* Act to purchase Land as the Sites for and thereon to erect such Toll Houses, and to set up such sufficient Turnpike Gates and Side Bars as aforesaid, (which Toll Houses, Turnpike Gates, and Side Bars, and Premises, shall belong to the said *Ryde* Commissioners, and shall be in all respects subject to the same Powers and Provisoes as to Sale and otherwise contained in the said *Ryde* Act as are applicable to Buildings, Lands, and Hereditaments originally or at any Time purchased by the said *Ryde* Commissioners by virtue of the said *Ryde* Act; and the said Highways Commissioners, their Lessees or Collectors, shall be entitled at all Times during the Continuance of the said Highways Act to hold, use, and occupy the said Toll Houses and Buildings, Turnpike Gates and Side Bars, so to be provided as aforesaid for the Purpose of collecting the Tolls authorized to be taken by virtue of the said Highways Act, they the said Highways Commissioners paying to the *Ryde* Commissioners such Rent for the same (not exceeding the Sum of Ten Pounds *per Annum* for each Toll House and Turnpike Gate) as Two disinterested Persons, one to be chosen by each Party, or an Umpire to be chosen by said Referees, shall determine, such Rent to be paid yearly on every Thirty-first Day of *December*, and the said Highways Commissioners keeping the same in repair, and rebuilding the same in Cases of Accidents by Fire.

Till substituted Toll Houses are provided, Highways Commissioners may occupy existing Toll Houses, and collect Tolls thereat.

IX. Provided always, and be it enacted, That until such substituted Toll Houses, Turnpike Gates, and Side Bars shall be provided as aforesaid it shall not be lawful for the said *Ryde* Commissioners to exercise the Power hereby given to remove the existing Toll Houses, Turnpike Gates, and Side Bars, and that in the meantime it shall be lawful for the Highways Commissioners to use and occupy, and hold and enjoy the existing Toll Houses, Turnpike Gates, and Side Bars, and to collect the Tolls authorized to be taken by virtue of the said Highways Act at the said existing Turnpike Gates and Side Bars, any thing herein contained to the contrary notwithstanding.

Highways Commissioners to provide Sites for new Toll Houses.

X. Provided always, and be it enacted, That if the said *Ryde* Commissioners shall at any Time give Notice to the said Highways Commissioners to provide proper Sites for the Erection of such substituted Toll Houses, and shall offer to pay to the said Highways Commissioners such Sum of Money as may be necessary to purchase such Sites, and all the Costs of and incidental to such Purchase, and

and the said Highways Commissioners shall for the Space of Three Calendar Months after the Service of such Notice (such Notice to be delivered to or sent by Post, addressed to the Clerk or Clerks to the said Highway Commissioners at his or their proper Place or Places of Abode,) neglect or refuse to provide such proper Sites for such substituted Toll House, then and at any Time after the Expiration of the said Three Calendar Months it shall be lawful for the said *Ryde* Commissioners to exercise the Powers hereby given to them to remove the existing Toll Houses, Turnpikes, and Side Bars; and all Powers hereby reserved to the said Highways Commissioners of collecting Tolls within the said Limits of the said Town of *Ryde* shall cease and determine.

As to Bye Laws.

XI. And be it enacted, That the Powers of the *Ryde* Commissioners to make, alter, and revoke Bye Laws, Rules, Orders, and Regulations shall extend to enable them, under such Restrictions and Provisions as are contained or expressed in the *Ryde* Act, to make, alter, and revoke all such Bye Laws, Rules, Orders, and Regulations for the better Regulation of the public Roads and Highways for the Time being within the Town of *Ryde*, and the Prevention and Removal of Disturbances, Obstructions, and Nuisances therein, and otherwise touching such Roads and Highways, as such Commissioners, or any Five or more of them, shall from Time to Time think fit.

Statute Labour and other Liabilities for the Repair of the public Roads and Highways in Ryde to cease.

XII. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-eight the Duty and Service called Statute Labour in respect of the Repairs of the public Roads and Highways for the Time being within the Town of *Ryde*, and all Assessments, Payments, Compositions, and Liabilities in lieu thereof, and all Charges and Liabilities for such Repairs affecting, irrespective of the *Ryde* Act and this Act, or either of them, any Person or Persons, or any Lands, Tenements, Hereditaments, Rents, Profits, or other Property, shall, so far as the same respectively relate to the Repairs of such public Roads and Highways, but not further or otherwise, wholly cease.

Assessments under the Ryde Act to be according to the Assessment to the Poor's Rate.

XIII. And whereas by the *Ryde* Act the *Ryde* Commissioners were authorized and required to make Rates or Assessments for the Purposes of that Act according to the annual Assessment to Rates made under the Highways Act, and it is expedient that such Provision should be amended; be it therefore enacted, That every Rate or Assessment which shall be made after the passing of this Act by the *Ryde* Commissioners, or any Five or more of them, under the Authority of the *Ryde* Act and this Act, or either of them, on the Occupiers of Messuages, Lands, Tenements, Tithes, and Hereditaments whatsoever within the Town of *Ryde*, shall be made according to the annual Assessment of such Messuages, Lands, Tenements, Tithes, and Hereditaments to the Rates made from Time to Time for the Relief of the Poor within the Parish of *Newchurch*; and all the Provisions of the *Ryde* Act with reference to the Rates or Assessments thereby authorized to be made, and all Persons in respect thereof, shall, except so far as the same are hereby altered, extend

extend to the Rates or Assessments to be made as directed by this Act, and all Persons in respect thereof.

Overseers of the Parish of Newchurch to transmit Copies of Poor Rates to the Ryde Commissioners.

XIV. And for better enabling such Rates or Assessments to be made, be it enacted, That the Overseers of the Poor of the Parish of *Newchurch* shall, before the First Day of *March* in every Year, make a fair and correct Copy of the last Assessment which shall then have been made for the Relief of the Poor within such Parish, so far as the same shall relate to such Part of such Parish as is within the Town of *Ryde*, and transmit such Copy to the Clerk for the Time being of the *Ryde* Commissioners, and shall permit such Clerk at all seasonable Times to examine such Copy with the Original; and such Overseers shall be paid by such Commissioners for every such Copy after the Rate of Three-pence for every Twenty-four Persons whose Names are given therein; and if any Overseer shall fail so to transmit any such Copy, or shall refuse to permit any such Inspection, every Person so offending shall for such Offence forfeit and pay to such Commissioners any Sum not exceeding Five Pounds.

Penalty on Neglect.

Monies received under the Ryde Act to be applicable to this Act.

XV. And be it enacted, That all Monies which shall be received by or be under the Control of the *Ryde* Commissioners by virtue of the *Ryde* Act and this Act, or either of them, shall be applicable to the Purposes of this Act as well as of the *Ryde* Act.

So much of Ryde Act as requires the yearly Repayment of One Twentieth of Monies borrowed repealed.

XVI. And whereas it was by the *Ryde* Act enacted, that the *Ryde* Commissioners should every Year, out of the Monies to be raised by virtue of such Act, pay off One Twentieth at the least of all Monies due and to be borrowed under such Act, and it would facilitate the carrying into execution of such Act and of this Act if such Enactment were repealed; be it therefore enacted, That such Enactment shall be and the same is hereby repealed, and such Repeal shall take effect as from the Time of the passing of the *Ryde* Act.

After Five Years, Commissioners to pay off One Twentieth Part of Money due yearly.

XVII. Provided always, and be it enacted, That from and after the Expiration of Five Years from the passing of this Act the *Ryde* Commissioners shall and they are hereby authorized and required, yearly and every Year, by and out of the Monies raised or to be raised by virtue of this Act or the *Ryde* Act, or either of them, to pay off and discharge One Twentieth Part at the least of all Monies then due or thereafter to become due under the said Acts or either of them.

General Highways Acts to extend to this Act.

XVIII. And be it enacted, That every public General Statute now in force for the Amendment and Preservation of the Highways, except so far as is repugnant to or inconsistent with the Provisions or Purposes of this Act, shall be in force and applicable and where necessary shall be applied to this Act, any thing herein contained to the contrary notwithstanding.

Ryde Pier Act 52 G. 3. c. 196. not to be affected.

XIX. And be it enacted, That nothing in this Act contained shall affect an Act passed in the Fifty-second Year of the Reign of His late

late Majesty King *George* the Third, intituled *An Act for making a Pier and Landing Place at* Ryde *in the* Isle of Wight.

So much of Ryde Act as relates to Limitation of Actions repealed.

XX. And whereas it was by the said *Ryde* Act enacted, that no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of the said Act until Twenty-one Days Notice thereof should be given to the Clerk to the Commissioners acting under the said Act, nor after a sufficient Satisfaction or Tender of Amends should have been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, and every Action or Suit should be laid, brought, or tried in the County where the Cause of Action should have arisen, and not elsewhere; and the Defendant or Defendants in every Action or Suit might, at his, her, or their Election, plead specially or the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if the same should appear to be so done, or that such Action or Suit should be brought before such Notice thereof should be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or should be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, then the Jury should find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants should have appeared, or if upon Demurrer Judgment should be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants should recover treble Costs, and should have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law; be it enacted, That the said recited Provision shall be and is hereby repealed: Provided always, that nothing herein contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now existing or depending between the said Commissioners and any Person or Persons whomsoever, or shall revive any Right which under the Provision lastly hereby repealed may have been barred prior to the passing of this Act.

Expences of Act.

XXI. And be it enacted, That all the Costs and Expences of and incident to the obtaining and passing of this Act shall be discharged by the *Ryde* Commissioners out of the first Monies in their Hands applicable to any of the Purposes of the *Ryde* Act and this Act, or either of them.

Public Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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