

part or parts of the said roads or any bridge or bridges or other necessary things thereon or any part or parts thereof, shall still remain liable and chargeable to the repair thereof in such manner and to the same extent as they were liable and chargeable before the passing of this Act.

Statute-  
duty.

Provided always and be it further enacted, That all persons who by law are or shall be liable to do statute-work, or are or shall be chargeable towards repairing and amending the said roads or any part thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any two or more justices of the peace for the county division or place wherein any part or parts of the said roads is or are situated within their respective jurisdictions, and they are hereby empowered and required upon application made to them for that purpose by the said Trustees, or by their treasurer clerk or surveyor by their order, yearly to adjudge and determine what part or proportion of the statute-work shall every year be done upon the said roads by the inhabitants of the respective parishes hamlets or places in which the said roads lie, and also what proportion of the money received by the surveyor or surveyors of the highways of every such parish hamlet or place in lieu of or as a composition for such statute-work as aforesaid shall be by him or them paid to the said Trustees, or to their treasurer or treasurers; and in order thereunto it shall be lawful for such justices from time to time to summon the surveyor or surveyors of the highways for every such parish hamlet or place within their respective jurisdictions, to bring in lists before such justices at some place to be expressed in such summons, within ten days after the serving of such summons, of the names of the several persons who within such parish hamlet or place respectively are by law subject and liable to do statute-work for that year or to the payment of any money in lieu of or as a composition for such statute-work, distinguishing the nature of the work to be done, whether with teams or draughts or otherwise, and also the amount of the respective sums to be paid, which lists of names shall be made in such manner and under such regulations and restrictions as is are or may be directed by any law or statute in force and effect for the repair of public highways; and out of such lists such justices shall or may appoint and order such and so many persons who shall appear to be subject and liable to do statute-work as aforesaid, to do such number of days statute-work in every year upon the said roads as the said justices shall think reasonable, and the same shall be done on such days and at such

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times

times (not being hay-time or harvest) and on such parts of the said roads as the said Trustees or any five or more of them or their surveyor or surveyors shall from time to time order direct and appoint; and the said justices may also order and direct the persons who by such lists shall appear to be subject and liable to the payment of any money in lieu of or as a composition for statute-work as aforesaid, to pay such proportion thereof as the said justices shall think proper to the surveyor or surveyors of every such parish hamlet or place for the time being, to be by him or them paid over to the said Trustees or to their treasurer at such time or times as the said justices shall direct; and in default of payment thereof by any such surveyor or surveyors, the same shall and may be recovered by distress and sale of the goods and chattels of the respective persons liable to the payment thereof, in like manner as any penalty is by this Act authorized or directed to be recovered; and each and every person who shall neglect or refuse to do such statute work as aforesaid, (after notice in writing given to or left for him her or them at his her or their last or usual place or places of abode for that purpose signed by the surveyor or surveyors of the said Trustees) shall for every day of his her or their default or the default of any labourer or labourers team or teams draught or draughts horse or horses beast or beasts to be provided by him her or them be subject and liable to such pains penalties and forfeitures as such person or persons may be subject or liable to by any law or statute in force and effect for the repair of the public highways; and if any person who shall come to work as a labourer or labourers or who shall be sent with any team or draught to work on the said roads shall be found idle or negligent by any surveyor to the said Trustees, such surveyor is hereby empowered to remove and dismiss the person who shall be found idle or negligent as aforesaid, and in that case every such person shall be subject and liable to the respective forfeitures and payments aforesaid, as if he had neglected or refused to come, or such team or draught had not been sent to work on any part of the said roads, all which forfeitures shall be paid to the treasurer to the said Trustees, and applied towards amending the said roads; and in case the said surveyor or surveyors of the highways for any of the said parishes hamlets or places respectively shall refuse or wilfully neglect to give in such lists as aforesaid, or shall knowingly or wilfully give in false or imperfect lists, or shall refuse or neglect to collect or pay over such composition or any part thereof in manner aforesaid, every such surveyor so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

And



Statute-work  
may be com-  
pounded for.

And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any person or persons, bodies politic or corporate, for the statute-work to be by them done on the said roads or any part thereof, and also with the inhabitants and occupiers of lands tenements or hereditaments of and in all or any of the parishes hamlets or places in which the said roads are situate, for a certain sum of money by the year or otherwise, as the said Trustees shall think reasonable in lieu of the whole or of any part of the statute or other work to be by all or any of the said inhabitants and occupiers done on the said roads; which composition money shall always be paid by the surveyor or surveyors of the highways or other officer of the parish hamlet or place, or by the person or persons so compounding to the treasurer to the said Trustees in advance, on or before the first day of *October* in each and every year, or otherwise the inhabitants and occupiers of such parish hamlet or place shall not be permitted to compound for that year.

For securing  
transient  
offenders.

And whereas offences may be committed against this Act by persons unknown to the Trustees collectors surveyors or other officers appointed to put the same in execution, Be it therefore further enacted, that it shall be lawful for the said Trustees collectors surveyors or other officers respectively, and such person or persons as they or he shall call to their or his assistance without any warrant or other authority than this Act, to seize and detain any such unknown person or persons as shall commit any such offence or offences, and to take him her or them before any justice of the peace of the county division or place where the offence or offences shall be committed, to be dealt with according to law.

Recovery of  
penalties.

And be it further enacted, That all penalties and forfeitures inflicted or imposed by this Act (the manner of levying and recovering whereof is not otherwise particularly directed) may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication of any one justice of the peace for the county division or place in which such penalty shall be incurred, on complaint to him for that purpose exhibited, and afterwards be levied as well as the costs of such proceedings on non-payment by distress and sale of the goods and chattels of the offender or offenders or person or persons liable to pay the same, by warrant under the hand and seal of such justice, who is hereby authorized and required to summon before him any witness or witnesses, and to examine him her or them upon oath of and concerning

ing such offences matters and things, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the penalty or forfeiture for which such warrant shall be issued, and the costs and expences of recovering and levying the same shall be returned upon demand to the owner or owners of the goods or chattels so seized or distrained; and in case such penalties and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such justice for his or their appearance before such justice on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than five days from the time of taking any such security, and which security the said justice is hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such justice or any other justice of the peace for such county division or place as aforesaid, and he is hereby authorized and required by warrant under his hand and seal, to cause such offender or offenders to be committed to the gaol of such county division or place, there to remain without bail or mainprize for any term not exceeding three calendar months unless such penalties and forfeitures and all reasonable charges shall be sooner paid and satisfied; and such penalties and forfeitures when so levied (the application whereof is not otherwise directed) shall be paid to the treasurer acting under this Act and be wholly applied to the purposes of this Act and to or for no other use or purpose whatsoever.

And for the more easy and speedy conviction of offenders against this Act, Be it further enacted, that all and every justice and justices of the peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words (as the case shall happen,) or in any other form of words to the same effect:

to wit. } " Be it remembered, that  
          } " on the                      day of                      in the year  
          } " of our Lord  
          } " is convicted before me one of his Majesty's justices of the  
          } " peace for the said county division or place [as the case  
No. 8.                      O                      may



" may be ] by virtue of an Act passed in the second year of the reign of King George the Fourth, intituled [here set forth the title of this Act, and specify the offence and when and where committed.] Given under my hand and seal the day and year above written."

Persons aggrieved may appeal to the quarter-sessions.

Provided always and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this Act, either by the said Trustees or by any one or more of his Majesty's justices of the peace or by any other person or persons whomsoever, such person may appeal to the justices of the peace at the next general quarter-sessions of the peace to be holden for the county division or place in which the cause of complaint shall have arisen, if there be sufficient time after the cause of such complaint shall have arisen, first giving or causing to be given ten days notice at least in writing of his or her intention of bringing such appeal and of the matter thereof to the clerk to the said Trustees or other the person or persons whose act or determination shall be so appealed against, and within four days next after such notice, entering into a recognizance before some justice of the peace for the said county division or place as aforesaid, with two sufficient sureties, conditioned to try such appeal and abide the order thereon, and to pay such costs as shall be awarded by the justices at such quarter-sessions; and for want of sufficient time for giving such notice, previous to the first quarter-sessions, after the cause of such complaint shall have happened, then such appeal after such notice and under such recognizance may be made at the second general quarter-sessions of the peace to be holden for the said county division or place as aforesaid, and the justices at such first or second sessions, upon due proof of such notice having been given as aforesaid and of the entering into such recognizance, shall hear and finally determine the cause and matter of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper; and the determination of such justices at such quarter-sessions shall be final binding and conclusive to all intents and purposes; and the said justices at such sessions may also by their order and warrant levy such costs so awarded by distress and sale of the goods and chattels of the person or persons who shall refuse or neglect to pay the same, and for want of sufficient distress, commit such person or persons to the common gaol or house of correction for such county part or division there to remain for any time not exceeding six calendar months or until payment of such costs.

No. 8.

And

And be it further enacted, That no order made touching or concerning any of the matters in this Act contained, or of any proceedings to be had touching the conviction of any offender or offenders against this Act shall be quashed for want of form or be removed or removeable by *certiorari* or any other writ or process whatsoever into any of his Majesty's Courts of Record at *Westminster*; and where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the summons conviction warrant of distress or any other proceeding relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards committed by the party or parties distraining; but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage, if any, in an action on the case; but no plaintiff or plaintiffs shall recover in any action for such irregularity as aforesaid, if tender of sufficient amends hath been made by or on behalf of the party distraining before such action brought.

Proceedings not to be quashed for want of form.

And be it further enacted, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, until twenty days notice thereof shall be given to the clerk of the said Trustees, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after six calendar months next after the fact committed, and every such action or suit shall be laid or brought in the county where the cause of action shall have arisen and not elsewhere; and the defendant or defendants in every such action, shall or may at his or their election, plead specially or the general issue, not guilty, and give this 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 this Act; and if the same shall appear to have been so done, or that such action or suit shall have been brought before twenty days notice thereof was given as aforesaid, or after sufficient satisfaction shall be made or tendered as aforesaid, or after the time limited as aforesaid, or shall be brought in any other county than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his her or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, then the defendant or defendants shall recover treble

Limitations of actions.

No. 8.

P

costs



costs and have such remedy for the same as any defendant or defendants bath or have in any case by law.

Public Act.

And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges justices and others, without being specially pleaded.

Commence-  
ment and  
continuance  
of this Act.

And be it further enacted, That this Act shall commence on the twenty-fourth day of *May* next after the passing of this Act, and shall continue and be in force for and during the term of twenty-one years, and from thence to the end of the then next Session of Parliament.