


ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## CAP. XVI.

## An Act for the better Management and Control of the Highways in *South Wales*.

[3d *July* 1851.]

WHEREAS under an Act passed in the Eighth Year of Her present Majesty, to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*, a Board is constituted in each of the Counties of *South Wales* for the Superintendence, Control, and Management of the Turnpike Roads in such Counties, and styled the County Roads Board: And whereas it is expedient that Provision should be made for the more effective Control and Management of the Highways in *South Wales* which are not under the Superintendence of the said Boards: Be it enacted, therefore, 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 the County Roads Board of each County in *South Wales* shall, at their First General Annual Meeting after the passing of this Act, or at some Adjournment thereof, proceed, with such Advice and Assistance as they may deem necessary, to divide the County into so many Districts, for the separate Management of the several Highways situated therein respectively, as shall in their Judgment

7 & 8 Vict. c. 91.

County Roads Board to divide County into Districts for separate Management of the Highways situated therein.

ment be most convenient; and in order to enable the said Board the better to determine respecting the Boundaries and Arrangements of such Districts, the said Board is hereby authorized to require, and all Surveyors of Highways in every County respectively are hereby directed to afford and furnish to the County Roads Board thereof, all such Information and Evidence, and to transmit to them all such Books, Accounts, Returns, Documents, and other Papers in their Possession or Power, as the Chairman of such Board, by any Order under his Hand, and addressed to any of such Parties respectively, may require; and the said County Roads Board shall make an Order for the Formation of such Districts, and shall cause such Order, together with a Description or Statement of the Boundaries of such Districts, or of the Parishes comprised therein respectively, to be published by Advertisement in One or more of the Newspapers circulating in their County One Month at least before the Twenty-fifth of *March* next: Provided always, that any One Parish now maintaining its own Highways may constitute any One of such Districts: Provided also, that it shall be lawful for the said County Roads Board from Time to Time, if they shall see Occasion, to alter the Limits of any such District, and thereafter to make such Orders, according to the Powers vested in them by this Act, as may be found necessary in consequence of such Alterations; and every Order by which such Alteration is made shall, within One Month after such Order is made, be published in like Manner as the Order for the Formation of the District.

Power to County Roads Board to alter Limits of Districts from Time to Time.

Power to place Highways under the Care, &c. of local Boards, to be styled Highway Boards.

II. That the Maintenance and Repairs of the several Highways situate and being within the several Districts which shall be formed according to the Provisions herein-before contained shall, subject to the Authority of the said County Roads Board, be placed under the Care and Management of local Boards, to be styled Highway Boards, which shall be constituted in manner following; that is to say, all Persons who are now elected or who shall hereafter be elected Guardians of the Poor for the Parish or Parishes contained in such District during the Period they are such Guardians, and all Her Majesty's Justices residing within or acting at any Petty Sessions within the District, shall constitute the Highway Board for such District; and such Justices shall not by reason of being Members of such Highway Board be incapable of acting as Justices of the Peace in the Execution of this Act, or in any Matters relating to the Highways under the Care or Management of such Board.

First Meeting of Highway Board.

III. That the First Meeting of every Highway Board under this Act shall be held on such Day and at such Place as the County Roads

Roads Board for the County shall appoint; and Meetings of the said Highway Board shall after such First Meeting be held at such Periods as such Highway Board shall at their First Meeting and afterwards from Time to Time fix and appoint; and all Acts, Matters, and Things executed or done by the Highway Board in pursuance of this Act at any such Meeting, the whole Number present at the Time being not less than Three, shall be valid and effectual; and the Highway Board shall at their First Meeting in the first place elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board; and the said Chairman, or in case of his Absence at the Commencement of any Meeting the said Vice Chairman, shall preside at all Meetings of such Board, and shall have a casting Vote in addition to his own Vote; and in case at the Commencement of any Meeting such Chairman and Vice Chairman shall both be absent, then such other Member as shall be chosen by the major Part of the Members present for the Time being shall preside as Chairman of such Meeting, with the like casting Vote; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse or become incapable to act, such Board shall, at their regular Meeting to be held next after such Death, Resignation, Refusal, or Incapacity, elect and appoint some other Member of the Board in his Stead.

Quorum.

Appointment of Chairman and Vice Chairman.

IV. That the Highway Board for each District respectively shall, subject to the Provisions, Restrictions, and Exceptions in this Act contained, and to the Authorities and Powers of the County Roads Board, superintend the Expenditure of all Monies that shall be raised and collected for the Purposes of such Highways, or for the other Purposes of this Act, as herein-after provided; and the Acts, Orders, Regulations, and Proceedings of every such Highway Board as to all the Matters and Things aforesaid shall be valid, binding, and effectual; and such Board shall cause Accounts to be kept of the Expenditure and Application of all Monies and Materials for the Purposes aforesaid; and the Highway Board for each District respectively shall once in every Quarter examine, check, and verify all the Charges and Items of Expenditure, and when they shall have so audited the several Accounts submitted to them the presiding Chairman shall write a Certificate of such Audit at the Foot of every such Account; and every such Board shall have full Power to disallow any illegal or excessive Item or Charge in such Account, and the presiding Chairman shall report every such Disallowance to the County Roads Board; and the Clerk of the Highway Board, being duly authorized to do so by any Order of the County Roads Board, certified to him by the Clerk of the aforesaid Board, shall recover every Sum so disallowed from the accounting Party, by Application to

Powers and Duties of Highway Board.

Two

Two Justices, who shall be authorized to enforce the Payment of the same in like Manner as Penalties under the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter 50.

Highway Board of each District to hold an Annual General Meeting for examining Accounts, &c.

V. That the Highway Board for each of the said Districts respectively shall and they are hereby required to hold One General Annual Meeting for receiving and examining the Accounts relating to the several Highways within their District on some Day to be appointed by the County Roads Board of each County in which the aforesaid Districts are respectively situated, and to transmit a Copy of the Accounts, so examined, and signed by the Chairman or Vice Chairman of the said Board, to the Clerk of the County Roads Board, together with any Report or Observations which they may think fit to make.

Power to County Roads Board to appoint District Surveyors.

VI. That every County Roads Board acting in and for each of the said Counties respectively shall, at their Meeting to be held next after the Division of such County into Districts for the Management of the Highways shall have been determined and declared, by Writing, upon which no Stamp or other Duty shall be payable, appoint One Surveyor for each District declared as aforesaid, to overlook the Management and Repairs of the several Highway Districts in their County, and shall also determine the Salaries to be paid to such Surveyors respectively; and the Board may from Time to Time remove the said Surveyors, and, so often as the said Offices or any of them shall become vacant, shall appoint other fit and proper Persons for the same; and the Salaries of all such Surveyors shall be paid out of the Highway Rate, and shall be, by an Order made by the County Roads Board, apportioned amongst and charged upon the Parishes within each respective District, in the same Manner and in the same Proportions as the County Rate is now chargeable.

Duties of the District Surveyor.

VII. That it shall be the Duty of the Surveyor of every District, subject to the Direction and Control of the Highway Board, to provide for the keeping of the said Highways in a good and sound State of Repair, and to cause all Works necessary for that Purpose to be executed in a competent and efficient Manner, and to receive, and hold to the Account of such Board, all Monies paid to him by the Surveyors of the Highways of the several Parishes, and to pay and disburse such Monies from Time to Time according to the Directions which shall be prescribed by the Highway Board, and to keep a true and exact Account of all Receipts and Disbursements received or made in respect to the Highways within his District, to be produced before the said Board at the regular Meetings thereof,

or

or at such other Times as the said Board may direct, and to transmit Copies of all Entries in such Account to the Clerk of the said Highway Board at such periodical or other Times as the said Board shall direct, and to attend the Meetings of such Board, and to prepare from Time to Time such Estimates, Surveys, Reports, and Accounts as may be required by this Act or by any Order of such Board or of the said County Roads Board; and every such District Surveyor when so appointed shall, for all the Purposes of this Act, except the making, assessing, and levying the Rate, have, as far as the same are applicable, the same Powers, and be liable to the same Duties, Penalties, and Forfeitures, as any Surveyor appointed under the Act of the Sixth Year of King *William* the Fourth, "to consolidate and amend the "Laws relating to Highways in that Part of *Great Britain* called "*England*," and shall have the laying out of all Monies levied and received by the Surveyors of the several Parishes within his District, and such Penalties and Forfeitures shall be recovered in manner provided by such Act in relation to Penalties and Forfeitures thereby authorized to be imposed: Provided nevertheless, that such District Surveyor shall not expend any Monies levied in any One of the Parishes within his District, except for the Use and Benefit of the Parish in which it is so levied, unless with the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements for the common Benefit of the Parishes aforesaid, and shall keep separate and distinct Accounts for each Parish within his District, and such Accounts shall specify the different Sums, and the Persons to whom and by whom the same shall have been paid.

5 & 6 W. 4. c. 50.

VIII. That every District Surveyor may and is hereby authorized to contract for the purchasing, getting, and carrying the Materials required for the Repair of the Highways within his District; and no Member of any County Roads Board or Highway Board, and no Parochial or District Surveyor, shall, except as herein-after excepted, on his own Account, directly or indirectly, be interested or concerned in any Contract or Bargain for Work or Materials, Tools or other Things, for making or repairing or in any way relating to the Highways for which they respectively act; and if any such Member of any County Roads Board or Highway Board, or any Parochial or District Surveyor, be so interested or concerned in any Contract or Bargain as aforesaid, he shall for every such Offence forfeit the Sum of Fifty Pounds; and any Person may sue for the same by Action of Debt on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit, and shall, from and after the Conviction of any such Offence, be incapable of acting as a Member of any County Roads Board or

District Surveyors to contract for Materials, &c.

Highway Board, or as a Surveyor of the Highways of any Parish, or of any District created by this Act; and every such Contract and Bargain shall be void: Provided always, that no Act done by any such Member of any County Roads Board, Highway Board, or Surveyor, previously to his being convicted of any such Offence, shall be thereby rendered invalid: Provided also, that nothing in this Enactment contained shall be construed to extend to any Purchase Money, Damages, Rent, Recompence, or Satisfaction agreed upon or awarded to such Member of any County Roads Board or Highways Board, or to any such Surveyor, for Lands, Tenements, or Hereditaments purchased or taken for the Purpose of diverting or altering or for the Use of any Highway, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Grounds of any such Member of any County Board or of any Highways Board, or Surveyor, in taking Materials therefrom, or in carrying or conveying them over the same, nor to prevent any such Member of any Roads Board or Surveyor from selling or disposing of, for the Use of any Highway, any Materials dug or gotten in or from or any Timber grown or growing on the Land of such Member of any Roads Board or Surveyor, nor shall any such Member of any Roads Board or Surveyor be liable to or incur any such Forfeiture or Incapacity as aforesaid by reason only of his being Proprietor or Holder of any Share in any Canal or Railway Company which shall contract with the District Surveyor for the Carriage or Conveyance of any Materials for the Repair of the Highway.

Existing Surveyors of Highways to continue.

IX. That nothing contained in this Act shall be construed to repeal any of the Provisions of the said Act of the Sixth Year of King *William* the Fourth with regard to the Appointment of a Surveyor of Highways in each Parish as heretofore, and such Surveyor shall make, assess, and levy the Rate for the Repair of the Highways as heretofore, and shall, from Time to Time as the Highway Board shall direct, pay over all Monies arising therefrom to the District Surveyor of the District in which such Parish is situate, and all Money so payable to the District Surveyor may be recovered from the Parochial Surveyor in like Manner as Balances due from a Surveyor are recoverable under the said Act of the Sixth Year of King *William* the Fourth.

Power to Highway Board to appoint a Clerk, and, with Consent of County Roads Board, fix Salary.

X. That every Highway Board shall at their First Meeting, by Writing, upon which nevertheless no Stamp or other Duty shall be payable, appoint a fit and competent Person to be Clerk to such Board, and shall also, with the Consent of the County Roads Board, determine the Amount of Salary to be paid to such Clerk, and the Portion to be paid by each Parish within the District

trict of such Highway Board of such Salary; and such Salary shall be paid by an Order of the Highway Board upon the District Surveyor out of the Highway Rate; and the said Board may at any Time, with the Consent of the County Roads Board, but not otherwise, dismiss any Person so appointed; and so often as the said Office shall become vacant by such Dismissal, or by Death, Resignation, or otherwise, the said Highway Board shall at their next regular Meeting, or as soon after as conveniently may be, appoint some other fit and proper Person to the same.

Duties of Clerk.

XI. That the Clerk to such Board shall attend all Meetings thereof, and shall conduct all Correspondence of such Board, and shall keep all Papers and Documents committed to his Care, and shall give such Notices and perform such other Duties as he may be required to perform by the Orders of such Board.

District Surveyor to give Security.

XII. That every County Roads Board shall and they are hereby required to take sufficient Security from every District Surveyor to be appointed by them under the Powers of this Act for the due and faithful Execution of his Office before such Surveyor shall enter upon his Office.

Highway Board to cause Orders &c. to be entered in Books, which shall be Evidence, and be open to Inspection.

XIII. That every Highway Board shall cause Notes, Minutes, or Copies, as the Case may require, of all the Orders and Proceedings of such Board at the several Meetings thereof to be duly entered in Books to be from Time to Time provided for that Purpose; and such Books shall be Evidence, in all Proceedings in Law or in Equity, of the Orders and Proceedings therein entered, without further Proof; and such Books, and also the Copies of the District Surveyors Accounts which shall be transmitted to the said Clerk, shall at all seasonable Times be open to the Inspection of all Members of such Boards, and of every Person rated or liable to be rated to the Highway Rate in any Parish of the District, without Fee for such Inspection; and all such Members and Persons respectively shall be entitled at seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of any Highway Board shall not permit any of such Members or Persons respectively to inspect any such Books or Copies of Accounts, or to take Copies or Extracts therefrom as aforesaid, such Clerk shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, forfeit and pay a Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection, &c.

Secretary of State to cause

XIV. That One of Her Majesty's Principal Secretaries of State may cause to be prepared such Forms of Accounts and Estimates, and

Forms of Accounts to be prepared.

and of such Statement or Abstract as herein-after mentioned, as he may deem proper, for the Use of the several Highway Boards and District Surveyors and Clerks; and an annual Statement or Abstract of the Accounts of every such Highway Board and of their Surveyor shall be framed by the Clerk to such Board, and transmitted to One of Her Majesty's Principal Secretaries of State.

Regulations as to the Adoption of new Roads to be maintained as public Roads under this Act.

XV. And with respect to the Adoption of new Roads to be maintained as public Roads under this Act, be it enacted, That no Road or Occupation Way made or hereafter to be made by or at the Expense of any Individual or private Person, Body Politic or Corporate, shall be deemed or taken to be a public Road, to be repaired and maintained according to the Provisions of this Act, unless the Person, Body Politic or Corporate, proposing to dedicate such Road to the Use of the Public, shall give Three Calendar Months previous Notice in Writing to the District Surveyor of the District of his Intention to dedicate such Road to the Use of the Public, describing its Situation and Extent; and the said District Surveyor, upon receiving such Notice, shall view the same, and shall report to the Highways Board of the District whether such Road is well and properly laid out and made, and whether the same is of sufficient public Utility to justify its being kept in repair and maintained as one of the Highways of such District; and if the said Board shall be satisfied, upon such Report or otherwise, that the said Road ought to be so kept in repair and maintained, they shall certify in Writing accordingly; and such Certificate, signed by the Chairman of the Highway Board for the Time being, shall be transmitted by him to the County Roads Board of such County; and thereupon, after the said Road shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, the same shall thenceforth become one of the Highways of such County, and shall thereafter be repaired and maintained according to the Provisions of this Act.

Proceedings in case Highways are not kept in repair.

XVI. That from and after the passing of this Act, if any Highway is out of repair, or is not well and sufficiently repaired and amended, and Information thereof on the Oath of One credible Witness is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the District in which such Highway is situated, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned to be held within the Division in which the said Highway may be situate, and the said Justices shall either appoint

appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled on a certain Day and Place then and there to be fixed, at which the said District Surveyor or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the Person so appointed by them to view, or on the View of the said Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions shall make an Order or Orders on the Parochial Surveyor or Surveyors within whose Parish or Parishes the aforesaid Highway is situate, or other Person or Bodies Politic or Corporate liable to the Repair of such Highways, by which Order they shall limit and appoint a Time for the repairing of the same, and shall make an Order requiring the Parochial Surveyor or Surveyors aforesaid, or other Party or Body Politic or Corporate liable to the Repair of the said Highway, to pay to the District Surveyor, at such Time as they shall direct, a Sum of Money to be therein stated, which shall be equal in Amount to the Sum which the said Justices shall on the Evidence produced before them judge requisite for the repairing such Highway; and in default of such Money being paid within the Time so limited the paid Parochial Surveyor or Surveyors shall forfeit and pay to the District Surveyor a Sum of Money, to be stated in a Second Order, which shall be equal in Amount to the Amount stated in the First Order as requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under the Act of the Fifth and Sixth Years of King *William* the Fourth, for consolidating and amending the Laws relating to Highways in *England*, and such Money, when recovered, shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their Order what Proportion shall be paid by each of the said Parties: Provided nevertheless, that the said Justices shall not have Power to make such Orders as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

Power to Justices to order Highways to be repaired at the Expense of the Parties liable.

Money for repairing Highways recoverable under 5 & 6 W. 4. c. 50.

XVII. That, except as herein otherwise provided, all the Provisions of the said Act of the Sixth Year of King *William* the Fourth shall remain in force, and be applicable to the Highways to be managed under this Act, and the said Act and this Act shall be construed together as One Act.

Provisions of 5 & 6 W. 4. c. 50. to remain in force, except as otherwise provided.



XVIII. That

In construing this Act South Wales to include Six Counties.

XVIII. That in the Construction of this Act *South Wales* shall include and comprise the Six Counties following, and no others; viz., the Counties of *Glamorgan*, *Brecknock*, *Radnor*, *Carmarthen*, *Pembroke*, and *Cardigan*.

Interpretation of Terms in this Act.

XIX. That in construing this Act the Words and Expressions following shall have the several Meanings herein assigned to them, unless such Meaning shall be inconsistent with the Context; that is to say, Words importing the Singular Number shall include the Plural Number; and Words importing the Plural Number shall include the Singular Number; the Word "Person" shall include Corporation, whether sole or aggregate; Words importing the Masculine Gender shall include the Feminine; the Word "Lands" shall include all Messuages, Tenements, and Hereditaments; the Word "Parish" shall include any Township, Tithing, Vill, or other Place or District maintaining its own Highway; the Word "Highways" shall mean all public or common Roads, Bridges (not being County Bridges), Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, and Pavements; the Word "Justices" shall mean Justices of the Peace for the County, Riding, Division, City, Town, Borough, Liberty, or Place in which the Highway may be situate (or in which the Offence may be committed); the Words "Quarter Sessions" shall include General or Quarter Sessions, or any Adjournment thereof; the Words "Petty Sessions" shall mean the Petty Sessions held for the Division or Place in which the Highway may be situate, or in which the Offence may be committed; the Word "Month" shall mean Calendar Month; and where any Number of Days is specified, the same shall be reckoned exclusively of the Days to and from which Computation is directed to be made.

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