CHAPTER 34.

An Act to amend the Law relating to Highways in South Wales.

[22d July 1878.]

WHEREAS it is expedient to amend an Act passed in the twenty-third and twenty-fourth years of the reign of Her present Majesty, intituled "An Act for the better "management and control of the highways in South Wales," which Act is in this Act called "the South Wales Highway Act:" 23 & 24 Vict. c. 68.

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, as follows:

Act to be one with 23 & 24 Vict. c. 68.

1. This Act shall be cited as the South Wales Highway Act Amendment Act, 1878, and, so far as is consistent with the tenor thereof, shall be construed as one with the South Wales Highway Act.

Highway Boards may make improvements, and borrow money for the purpose.

2. The Highway Board for each district may make such improvements as are herein mentioned in the highways within their jurisdiction, and may, with the approval of the County Roads Board of the county in which they are situate, borrow money for the purpose of defraying the expenses of such improvements.

Estimate of expense to be made, and notice to be given.

3. Previously to applying for the approval of the said County Roads Board, the Highway Board shall cause an estimate of the expense of the improvements to be made, and one month at the least before making their application shall give notice of their intention to do so.

Such notice shall state the following particulars:

1st. The nature of the work, the estimated amount of expense thereof, and the sum proposed to be borrowed:

2nd. The parish or parishes within the highway district by which the sum borrowed and interest thereon is to be paid, and in case of more than one being made liable to pay the principal and interest, the annual amounts to be contributed by each parish towards the payment thereof:

3rd. The number of years within which the principal moneys borrowed are to be paid off, not exceeding twenty years, and the amount to be set apart in each year in paying off the same:

4th. The date of the meeting of the County Roads Board at which the application for such approval as aforesaid is to be made.

How notice to be given.

4. Such notice shall be given as follows:

1. By transmitting a copy to the clerk of such County Roads Board:

2. By placing a copy of such notice for two successive Sundays on the door of every church and chapel of the parish or parishes on behalf of which such works are to be done, or, in the case of a parish not having a church or chapel, on some conspicuous position in such parish.

Upon the hearing of the application, any person or persons may oppose the approval of the County Roads Board being given, and it shall be lawful for the County Roads Board to give or withhold their approval, with or without modification, as they think just.

Moneys borrowed under Act to be a first charge on highway rates of parishes liable to contribute.

5. All moneys borrowed in pursuance of this Act, together with the interest thereon, shall be a first charge on the highway rates of each parish liable to contribute to the payment thereof, in the same manner, as far as the creditor is concerned, as if the money had been borrowed on account of each parish alone, and the sums necessary to repay the said borrowed moneys, with interest, shall in each said parish be recoverable in the same manner as if they were expenses incurred by the board in keeping in repair the highways of that parish.

But it shall be the duty of the Highway Board in case of any one parish paying more than its share of such borrowed money, or of the interest thereof, to make good to the parish the excess so paid out of the rates of the other parishes liable to contribute thereto.

County Roads Board may make orders as to application for consent.

6. The County Roads Board may from time to time make general orders relative to the mode in which applications are to be made to them for their consent under this Act to the borrowing of any moneys.

Limitation as to amount to be levied not to apply to money borrowed under this Act.

7. The limitation as to the amount in the pound of the rateable value of the property to be levied in any one year imposed by section twenty-four of the South Wales Highway Act shall not apply to the amount of principal and interest of money borrowed under this Act and liable to be repaid in any year.

What works are to be deemed improvements of highways.

8. The following works shall be deemed to be improvements of highways:

1st. The conversion of any road that has not been stoned into a stoned road:

2nd. The widening of any road, the cutting the corners off on any road, the levelling roads, the making of a new road, the building or enlarging of bridges, and the purchase of land for any of the purposes aforesaid:

3rd. The doing any other work in respect of highways beyond ordinary repairs essential to placing any existing highway in a proper state of repair.

County Roads Board may order roads to be repaired out of highway rate.

9. It shall be lawful for any County Roads Board at any one of their regular meetings to make an order declaring that any highway within the county for which they act, being a main thoroughfare through any one or more highway districts to any town or towns or to any railway station or stations, shall be a district road, and from and after a day to be named in the order the cost of maintaining such district road shall be a common charge upon the highway district or districts within which such road is locally situate, and shall be borne by the several parishes within such district or districts in manner following; (that is to say,)

(1.) Where the district road is wholly situate in one highway district, the cost of repairing the same shall be paid out of the moneys levied for the repair and maintenance of the highways, and shall be apportioned amongst and charged upon the several parishes within the district in the same manner as the salaries of the clerk and treasurer of the district; and

(2.) Where the district road is situate in more than one highway district, the cost of repairing the part within any such district shall in like manner be paid and be apportioned amongst and charged upon the several parishes constituting the district within which such part is situate.

Provided always, that such County Roads Board shall, previous to making an order that any highway shall be repaired as aforesaid, give notice of their intention to proceed to make an order to that effect at a meeting of the board to be named in such notice, and shall advertise such notice in one or more of the newspapers circulating in the county, and shall cause copies of such notice to be affixed to the door of each parish church in the said highway district or districts, and shall cause to be served a copy of such notice on the clerk of such highway district or districts in which such highway or highways are situate, at least one month before the day of the meeting so named in such notice, and shall at such meeting, previous to coming to any determination, hear any person or persons who shall desire to make any objections to the proposed order being made, and shall, after such objections, if any, have been heard, proceed to make, modify, or reject such proposed order as to them shall seem just and reasonable.

Incorporation of certain clauses of 10 & 11 Vict. c. 16.

10. The clauses of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the commissioners" shall mean "the Highway Board."

Mortgages and transfers of mortgages shall be valid if made in the forms prescribed by the last-mentioned Act, or as near thereto as circumstances admit.

Highway Boards may

11. A Highway Board, for the purpose of improving the highways within their district may purchase such lands or easements relating to lands as they may require; and the

Lands Clauses Consolidation Act, 1845, and any Act amending the same, except the clauses in the said Acts respectively relating to the purchase of lands otherwise than by agreement, shall be incorporated with this Act; and for the purposes of those Acts this Act shall be deemed the special Act, and any such Highway Board as aforesaid exercising the powers of this Act shall be deemed the promoters of the undertaking. purchase lands by agreement. 8 & 9 Vict. c. 18.

12. "Parish" in this Act means every parish or place for which a separate rate is made for the maintenance of the highways. Definition of "parish."

CHAPTER 35.

An Act to extend for a further limited period section thirty-four of the Supreme Court of Judicature Act, 1875. [8th August 1878.]

WHEREAS by section thirty-four of the Supreme Court of Judicature Act, 1875, it is enacted that upon the occurrence of any vacancy in an office coming within the provisions of section seventy-seven of the Supreme Court of Judicature Act, 1875, the Lord High Chancellor of Great Britain may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office, and it is expedient to extend the said period as hereinafter mentioned: 38 & 39 Vict. c. 77.

Be it therefore 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, as follows:

1. This Act may be cited as the Supreme Court of Judicature (Officers) Act, 1878. Short title.

2. Section thirty-four of the Supreme Court of Judicature Act, 1875, shall be construed as if the first day of January one thousand eight hundred and eighty were therein inserted in lieu of the first day of January one thousand eight hundred and seventy-seven. Continuation until 1st Jan. 1880 of 38 & 39 Vict. c. 77. s. 34. as to legal office.

CHAPTER 36.

An Act to continue for one year the Police (Expenses) Act, 1875. [8th August 1878.]

WHEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it was further enacted that that Act should continue in force until the first day of September one thousand eight hundred and seventy-six: 38 & 39 Vict. c. 48.

And whereas by the Police (Expenses) Continuance Act, 1877, the said Act was continued in force until the first day of September one thousand eight hundred and seventy-eight: 40 & 41 Vict. c. 58.

And whereas it is expedient that the said Act should be further continued for a period of one year:

Be it therefore 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, as follows; (that is to say,)

1. This Act may be cited as the Police (Expenses) Continuance Act, 1878. Short title.

2. The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-nine. Continuance of 38 & 39 Vict. c. 48. till 1st Sept. 1879.