Expiration of his Year of Office, the said Fellows shall, at a Meeting to be holden by them for that Purpose, as soon as conveniently may be (of which due Notice shall be given) elect One other of the Fellows of the said Corporation in such Manner as aforesaid, to be President for the Remainder of the Year in which such Death, Resignation, or other Avoidance shall happen, and until such Election the Duties of President shall be performed by the senior Censor for the Time being.

CAP. LXVII.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads. [6th *August* 1860.]

'WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, an Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and sixty, and to the End of the then next Session of Parliament; and it is expedient that the same be further continued:' 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 the said Act shall be continued until the First Day of *October* One thousand eight hundred and sixty-five, and to the End of the then next Session of Parliament. 4 & 5 Vict. c. 59. Recited Act further continued.

CAP. LXVIII.

An Act for the better Management and Control of the Highways in *South Wales*. [6th *August* 1860.]

'WHEREAS an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixteen, for the better Management and Control of the Highways in *South Wales*: And whereas in pursuance of the said Act the Six Counties of *South Wales* have been divided by the County Roads Boards of their respective Counties into Districts for the better Repair and Maintenance of the Highways: And whereas it is expedient that the said Act should be repealed and other Provisions be made in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords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: 14 & 15 Vict. c. 16.

I. The said Act shall be and is hereby repealed: Provided that nothing in this Act, except as herein-after provided, shall in any way affect or alter the aforesaid Highway Districts, or the Appointments of any Officers, but such Districts shall remain for the Purposes of this Act, and such Officers shall respectively hold Office on the like Tenure as if appointed under this Act. Recited Act repealed, but Repeal not to affect Districts or Appointments.

II. Provided also, That it shall be lawful for the said County Roads Boards of the several Counties of *South Wales* respectively from Time to Time if they shall see Occasion to alter the Limits of any such District in their respective County either by consolidating the whole or any Part of it with any other District, or by dividing it into One or more Districts; and the Order by which such Alteration is made shall within One Month after the making thereof be published, together with a Description or Statement of the Boundaries Districts may be altered from Time to Time.

daries of such Districts, or of the Parishes comprised therein respectively, by Advertisement in One or more of the Newspapers circulating in the County in which the Order is made, and Notice thereof shall be given to the Clerks of such Districts as are affected thereby.

Power to County Roads Board to appoint and dismiss Surveyors.

III. Every County Roads Board acting in and for each of the said Counties respectively shall, 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 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 shall be chargeable at the Time the Order is made: Provided, nevertheless, that such District Surveyor shall not expend Moneys 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.

Transfer of Property and Powers vested in existing Surveyors of Highways to Highway Boards.

IV. All Land and Property vested, or which, if this Act had not been passed, would have been vested, in any Surveyor of Highways of any Parish elected or appointed under the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, and all the Powers of letting or otherwise disposing of any such Land or Property vested in, or which, if this Act had not been passed, would have been vested in or exercisable by such Surveyor, and all Rents, or other Income of Land or Property which such Surveyor is, or, if this Act had not been passed, would have been entitled to receive, shall, upon and after the Cesser under this Act of the Powers of such Surveyor, be vested in and exercisable and received by the Highway Board of the District in which such Parish is comprised; and all Tools, Materials, Implements, Matters, and Things purchased or provided, or thereafter to be purchased or provided, for the Use or Repair of the Highways of any Parish or District, and the Scrapings of such Highways, and all Books, Papers, Writings, and Accounts relating to such Highways, shall be vested in the Highway Board of the District in which the same are situate, and all Land, Chattels, and Property whatsoever hereby transferred to any Highway Board shall be vested in such Board for the Benefit of the Parish to which the same belongs, or to the Repairs of the Highways of which the same, or the Rents, Income, and Proceeds thereof, would have been applicable, and Credit shall be given to such Parish for such Rent, Income, and Proceeds accordingly, and in the Case of any such Chattels, belonging to or provided for any Parish which may be made available for the common Use or Benefit of the several Parishes within the District of such Highway Board, such Highway Board shall give such Parish Credit for what they may consider the Value thereof, as for so much Money received in respect of such Parish.

Duties of District Surveyor.

V. The Surveyor of Highways of each District shall, subject to the Control of the Highway Board for such District, maintain and keep in repair the Highways which the several Parishes in such District may be liable to repair, and for that Purpose shall on behalf of the Highway Board make all necessary Contracts for Highway Materials and for Cartage and other Works for the Repair of the Highways, and shall superintend the Execution of all such Works, and shall make all such Payments as by the Highway Board may be ordered to be made by him, and keep true and particular Accounts of all Moneys received by him, and of the Application thereof, and shall keep separate and detailed Accounts of the Expenditure in or on account of each Parish, and shall at every ordinary Meeting of the Highway Board produce his Accounts for Examination and Allowance by the Board, and report to such Board such Circumstances in relation to the State of the Highways in the District and the other Matters aforesaid as may require the Order or Direction of the Board,

Board, and as to the Progress or Completion of all Works which may have been ordered by the Board, and shall submit to the Board an Estimate of the Expense of any proposed Work, and shall twice at the least in every Year, or oftener if the Board direct, report in Writing the State and Condition of all Highways in the District.

Powers and Responsibilities of Surveyor.

VI. The Surveyor of Highways of each District shall, except for the Purpose of making, assessing, and levying Rates, and producing and verifying his Accounts at Special Sessions, and except as herein otherwise provided, have all Duties, Powers, and Responsibilities, as regards the Parishes in such District, of a Surveyor elected under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty; and all Acts and Provisions not hereby repealed, applicable to such last-mentioned Surveyor, shall, save as herein otherwise provided, apply in like Manner to a Surveyor of Highways of a District appointed under this Act, and all Penalties and Forfeitures or Parts thereof payable to such Surveyor shall be paid by him to the Treasurer of the Highway Board, to the Credit of the Parish in respect whereof the same are recovered: Provided, nevertheless, that such Surveyor shall in the Exercise of such Duties and Powers act under the Directions and Control of the Highway Board, and shall be indemnified by such Board out of the Moneys coming to the Hands of their Treasurer in respect of all Expenses and Liabilities properly incurred by him.

Highways to be continued under the Care and Management of existing Local Boards.

VII. The Maintenance and Repairs of the several Highways situate and being within the several Districts which have been or shall be hereafter formed, shall, subject to the Authority of the said County Roads Board, be under the Care and Management of Local Boards, to be styled Highway Boards, and which are and shall hereafter 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 or holden for 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 and Management of said Board; and every such Board shall be a Body Corporate by the Style of the Highway Board for the District of (inserting the Name of the Highway District), and by that Name shall have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority (without Licence in Mortmain) to hold Lands for the Purposes of the Highways.

Highway Boards to hold Four ordinary Meetings every Year.

VIII. The Highway Board for every District shall in every Year hold not less than Four ordinary Meetings, and the Meetings of such Board after their First Meeting shall be holden at such convenient Place or Places, and at such Times, as they shall at their First Meeting and from Time to Time thereafter appoint; and One of such Meetings shall be appointed for the Purpose of auditing the annual Accounts of the Board as herein-after provided; and any such Board may also hold special Meetings, every such special Meeting to be called by the Clerk to such Board, by the Direction of the Chairman or Vice-Chairman, or upon the Requisition of any Three Members of such Board; provided that no Business, Matter, or Question shall be done, discussed, or entertained at any such special Meeting other than the special Business or Matter for which it shall have been called, and which shall be specified in the Notice convening such Meeting.

Special Meetings may be holden.

Adjournment of Meetings.

IX. Any Meeting of the Highway Board may be adjourned from Time to Time to any Day and Hour and to the same or any other Place; and if there be not Three Members of the Board present within One Hour after the Time appointed for holding any Meeting then it shall be lawful for the Members or Member present, or, if no Member be present, for the Clerk to such Board, to adjourn such Meeting in manner aforesaid.

Notice of special Meetings and of Meetings by Adjournment.

X. Notice in Writing of every special Meeting of any Highway Board, and of every Meeting of any such Board holden by Adjournment (whether by Adjournment from an ordinary or a special Meeting), shall be given by the Clerk to such Board to every Member thereof, and every such Notice shall be given or sent by the Post or otherwise by the Clerk

to every such Member, or left at his Place of Abode, Seven Days, or, in the Case of a Meeting holden by Adjournment, Three Days at least before the Day appointed for the Meeting to which it relates.

Chairman and Vice-Chairman to be elected.

XI. The Highway Board for each District shall elect Two Members of such Board to be the Chairman and Vice-Chairman thereof for the Space of One Year, and such Election shall take place at their First Meeting, or at some Adjournment thereof, in every Year; and the Chairman and Vice-Chairman of each Highway Board at the Commencement of this Act shall continue in Office until their Successors shall be appointed at the First Meeting of the Board as aforesaid; and the Chairman, or, in case of his Absence at the Commencement of any Meeting, the Vice-Chairman, shall preside at all Meetings of such Board, and shall have a Casting Vote, in addition to his Vote as a Member; and in case at the Commencement of any Meeting both Chairman and Vice-Chairman be absent, then such other Member as may be chosen by the major Part of the Members present shall preside as Chairman of such Meeting; and whenever the Chairman or Vice-Chairman shall die or become disqualified, refuse, or become incapable to act, such Board shall at their ordinary Meeting to be holden next after such Death, Disqualification, Refusal, or Incapacity, elect some other Member of such Board in his Stead.

Quorum.

XII. All Acts, Orders, Matters, and Things by this Act authorized to be made or done by any Highway Board may be made or done by the major Part of the Members of any such Board present at any Meeting to be holden by virtue of this Act, the whole Number present together at such Meeting not being less than Three; and all Orders made by any such Board shall be in Writing, and signed by the Chairman presiding at the Meeting at which the same are made, and countersigned by the Clerk, and sealed with the Seal of the Board.

Authentication of Orders.

Defect of Election, &c. of Members not to vitiate Proceedings.

XIII. No Defect in the Qualification or Election of any Person acting as a Member of a Highway Board at any Meeting thereof, the Majority of the Persons assembled at which shall be entitled to act as Members of such Board, shall be deemed to vitiate or make void any Proceedings of such Board in which he may have taken part.

Power to Highway Boards to appoint Clerks.

XIV. Any Highway Board shall have Power by Writing, upon which no Stamp or other Duty shall be payable, to appoint a fit and competent Person to be Clerk to such Board, and shall also determine the Amount of Salary to be paid to the Clerk; and the Clerk, in Person, or by such Deputy as shall be elected by such Board, shall attend all Meetings of such Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct.

Appointment of Treasurer.

XV. Any Highway Board shall, at their next General Annual Meeting after the passing of this Act, by Writing, upon which no Stamp or other Duty shall be payable, appoint a fit and competent Person to be Treasurer of such Board, and the said Board shall have Power to fix, and from Time to Time to alter as they see fit, the Salary, if any, to be paid to such Treasurer; and the Highway Board shall, before the aforesaid Treasurer shall enter upon his Office, take sufficient Security for the due Performance by him of the Duties of the Office; and the Treasurer of each Highway Board shall receive and hold to the Account of such Board all Moneys paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, or on such Days as the Board may direct, or oftener if required by the Board, make up an Account of all Moneys received and paid by him, and deliver the same to the Clerk of the Board; and he 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.

Salaries of Clerk and Treasurer, how to be paid,

XVI. The Salaries to be paid to the Clerk and Treasurer of each District shall, by an Order to be made by the Highway Board of such District, be paid out of the Moneys levied for

for the Repair and Maintenance of the Highways, and shall be apportioned and charged upon the Parishes within each respective District in the same Manner and in the same Proportion as the County Rate shall be chargeable at the Time such Order is made.

Power to dismiss Clerk, &c.

XVII. The Highway Board may at any Time dismiss any Clerk or Treasurer so appointed, and as often as the said Offices 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 fill the same.

Two Offices not to be held by the same Person.

XVIII. The Offices of Treasurer, Clerk, and Surveyor of any Highway Board, or any Two of such Offices, shall not be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them; and if any Person shall accept or hold either the Office of Treasurer, Clerk, or Surveyor contrary to this Provision he shall forfeit and pay the sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any Court of competent Jurisdiction.

Highway Boards to have the Management of the Highways.

XIX. The Highway Board for each District shall, subject to the Provisions and Exceptions in this Act, have the Management of the several Highways lying within their District, and of the repairing and maintaining of the same, and shall direct the Execution of any Works which may from Time to Time be necessary for such Purposes; but it shall not be lawful for any Person, being a Member of any Highway Board, to hold any Place, Office, or Appointment of Emolument, or to be a Contractor directly or indirectly, or to be concerned or engaged in any Contract for making or repairing, or in any way relating to the Road or Roads in the District for which such Person shall act.

Highway Board may contract to repair High ways within Districts of Local Boards, &c.

XX. The Highway Board of any District may contract with all or any of the following Bodies; (that is to say,) any Local Board of Health constituted under "The Public Health Act, 1848," any Local Board constituted under "The Local Government Act, 1858," any Commissioners or other Body acting under any Local Act of Parliament, the County Roads Board, the Court of Quarter Sessions of the County in which the District is situate, and the Council of any Borough for the Repair and Maintenance by such Highway Board of all or any of the Highways or Turnpike Roads under the Care of such Local Board of Health, Local Board, County Roads Board, Commissioners, or other Body, (as the Case may be,) or of the Highways over and at the Ends of Bridges which are maintainable at the Expense of the County or of any Borough, or any other Highways which are maintainable at the Expense of the Borough; and such Highway Board may contract as aforesaid, upon such Terms as to the Payments to be from Time to Time made to such Board in respect of their undertaking such Repairs and Maintenance, and as to the Duration and Determination of the Contract, as may be agreed upon between the Parties; and any such Local Board of Health, Local Board, Commissioners, County Roads Board, or other Body, Court of Quarter Sessions, and Council may contract as aforesaid with such Highway Board; and while any Contract made under this Provision is in force the Highway Board and their Surveyor shall, in respect of the Repairs and Maintenance of the Highways and Roads to which such Contract relates, have and perform the same Powers and Duties and be subject to the same Responsibilities as with regard to Highways within the District of such Board, and the other contracting Party shall be divested of all Powers, Duties, and Responsibilities in respect of such Repairs and Maintenance, and all Money payable under such Contract shall be paid out of the Moneys which would have been applicable to defray the Expenses of the Repair and Maintenance of such Highways or Turnpike Roads if such Contract had not been made.

Expenses of Highway Board, how to be defrayed.

XXI. Every Highway Board, for defraying the Repairs, Expenses, and apportioned Part of Expenses chargeable as aforesaid on each Parish within their District, shall from Time to Time, by Order under their Seal, require the Overseers of such Parish to levy, and to pay over to the Treasurer of such Board, or into any Bank in such Order mentioned, and within the Time or Times thereby limited, the Sum which, after giving due Credit to such Parish for all Penalties and other Moneys received in respect thereof, such Board may require for the Purpose aforesaid (and any such Order may be made wholly or in part in respect of

Expenses incurred at any Time within Six Months before the making of the Order, or of Expenses to be thereafter incurred); and where any Parish within the Meaning of this Act is Part only of any Parish for which Overseers are appointed, the Highway Board shall specify in their Order the Part of such last-mentioned Parish on which any Sum required by such Board is to be levied.

Overseers to levy Rates for raising the Money required by Highway Board.

XXII. The Overseers of the Poor of the Parishes to whom such Orders as aforesaid are issued shall levy the Amounts mentioned therein according to the Exigency thereof, and shall for that Purpose make separate equal Pound Rates upon their Parishes, or the Parts thereof respectively upon which the Sums specified in such Orders are required to be levied, in respect of the Sums thereby ordered to be levied, and shall make such Rates of such Amount in the Pound on the annual Value of the Property rateable as will in their Judgment, having regard to all Circumstances, be sufficient to raise the Sums specified in such Orders; and such Rates shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in the respective Parishes, and shall be assessed upon the net annual Value of such Property, ascertained by the Rate for the Time being for the Relief of the Poor, provided that the Rate shall also extend to such Woods, Mines, and Quarries of Stone, or other Hereditaments, as were before the said Act of the Fifth and Sixth Years of King *William* the Fourth usually rated to the Highways; and the said Overseers shall, for the Purpose of levying such Rates, proceed in the same Manner, and have the same Powers, Remedies, and Privileges as for levying Money for the Relief of the Poor, and all such Rates shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty, and otherwise, as the Rate for the Relief of the Poor in the same Parish; and such Overseers shall pay to the Treasurer of the Highway Board, or otherwise as in such Orders directed, the Sums mentioned in the Orders within the Time or respective Times specified for that Purpose, and the Excess, if any, which may have been levied beyond such Sums shall be placed to the Credit of the Parish or Part in which the same has been levied; and the said Overseers shall, at the Time of making any such Payment, deliver with the Money a Note in Writing signed by them specifying the Amount so paid, which Note shall be kept as a Voucher for the Receipt of that particular Amount; and the Receipt of the Treasurer of the Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is so paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount.

Power to Highway Board to direct paid Collectors of Poor Rate to collect Highway Rate.

XXIII. In every Parish in which a paid Collector of Poor Rates shall have been or may hereafter be duly and legally appointed, every such Collector shall, if the Highway Board so direct and authorize him, collect the Highway Rate for every such Parish, and the Highway Board shall determine the Salary or additional Salary to be paid to every such Collector, and every such Collector shall have all the same Powers, Remedies, and Privileges for the levying and enforcing the Payment of such Rates as the Overseers of the Poor have under this Act; and it shall be lawful for every Highway Board, and they are hereby required, to take Security from every Collector authorized to collect the Highway Rate under this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Collector at any One Time.

Restriction in Amount of Rates.

XXIV. Provided always, That the Rate or Rates to be levied for defraying any Expenses under this Act shall not exceed in any One Year the Amount in the Pound of the rateable Value of the Property rateable thereto under this Act now by Law limited in respect of the Highway Rate.

Overseers on Nonpayment of the Rate shall be distrained upon.

XXV. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time or Times therein specified for that Purpose, it shall be lawful for any Two Justices of the Peace, upon the Complaint by the Board or by any Person authorized by them for this Purpose, to issue their Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers, and in case the Goods of all the Overseers be not sufficient to pay the same the Arrears thereof shall be

be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

Special Persons may be appointed to levy Rates on Default of Overseers.

XXVI. Any Highway Board may, in case of any Default or Neglect of any Overseers to pay the Amount required by any such Order as aforesaid, within the Time or Times and in the Manner directed by such Order, appoint Persons to levy any Money required by such Board for the Purposes of this Act in any Parish, and such Persons shall proceed in the same Manner, and have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties with reference to the levying of such Money, as any Overseers would have had or been subject to with reference to levying any such Money in pursuance of an Order of the Highway Board.

Accounts to be made up to 25th March, and Statement to be published.

XXVII. The Accounts of every Highway Board shall be made up and balanced on the Twenty-fifth Day of *March* in every Year, and shall be audited by such Board, and signed by the Chairman; and such Board shall cause a Statement to be printed and published in One or more Newspapers circulated in their County within Thirty Days after the said Twenty-fifth Day of *March*, showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as herein-after mentioned.

Statement to be sent to Secretary of State.

Penalty for Neglect.

XXVIII. The Clerk to every Highway Board shall, within such Thirty Days, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty of Ten Pounds.

Abstract of Statements to be laid before Parliament.

XXIX. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Secretary of State may cause Form of Statement to be prepared, and alter Forms prescribed by 12 & 13 Vict. c. 35.

XXX. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Councils of Boroughs having Commissions of the Peace may by Resolution assume the Powers of Highway Boards.

XXXI. The Council of every Borough having a separate Commission of the Peace may, by a Resolution of such Council at a Meeting held for the Purpose, in any Year after the Expiration of the Time limited by Law for the Election of Surveyors of Highways for that Year, or Forty Days at the least before the Commencement of the Time limited for such Election, assume the Powers of a Highway Board under this Act; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and of the Purpose thereof has been given in the Manner in which Notices of Meetings of the Council are by Law required to be given, and Two Thirds of the Members present at the Meeting concur in such Resolution; and the Chairman of any such Meeting may, with the Consent of a Majority of the Members present, adjourn the same from Day to Day; and Notice of such Resolution shall be certified under the Seal of the Corporation of such Borough to the Clerk of the Peace of the County, or (if such Borough be situate in more than One County) of each County in which the Borough is wholly or in part situate.

Where Resolution passed, Council to have Powers of Highway Board.

XXXII. Any such Council which may have assumed the Powers of a Highway Board, by Resolution passed and certified as aforesaid, shall, with respect to Parishes and Parts of Parishes within such Borough, have and be subject to the Powers and Obligations vested in or imposed on a Highway Board constituted under this Act with respect to Parishes forming the District of such Board, save that such Powers shall not extend to authorize the Appointment of a separate Clerk or Treasurer for the Purposes of this Act; and

and the Provisions of this Act applicable in the Case of Highway Districts formed thereunder, to the Highway Board thereof, and their Clerk, Treasurer, and Surveyor, shall, in the Case of such Borough, be respectively applicable to the Council and to the Town Clerk and Treasurer thereof, and to the Surveyor of Highways to be appointed by such Council, as if such Borough were a Highway District constituted under this Act, and such Council were the Highway Board thereof; and all Acts to be done by such Council by virtue of the Powers conferred by this Act shall be done in like Manner as if done by virtue of the said Act "for the Regulation of Municipal Corporations in *England* and *Wales*;" and any such Council may, if they think fit, appoint a Committee for the Purposes of this Act, in like Manner as for any of the Purposes of such last-mentioned Act, the Acts of such Committee to be submitted as therein provided to the Council, for their Approval; provided nevertheless that the Expenses incurred in the Execution of this Act by the Council of any Borough or any Committee of such Council shall be defrayed in manner provided with respect to Expenses of Highway Boards: Provided always, that the Powers of the Council of a Borough under this Enactment shall not extend, nor shall its District as a Highway Board be deemed to include any Parish or District under any Board mentioned in the First Section of this Act.

5 & 6 W. 4. c. 76.

No Parochial Surveyor to be appointed after the passing of this Act.

XXXIII. From and after the passing of this Act no Parochial Surveyor shall be elected or appointed in *South Wales* under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, for any Parish comprised in such District: Provided always, that any Surveyor whose Powers are so to cease as aforesaid shall recover any Highway Rate made by him before the Cesser of his Powers, and remaining unpaid, in the same Manner as if his Power in other respects had not ceased, and the Money so recovered shall be paid by him to the Treasurer of the Highway Board of the District in which such Parish is comprised under this Act; and in case such Surveyor die or become incapable to act before all Arrears of any such Rate are recovered, the same may be recovered by the Overseers of the Poor, who shall have the like Power for that Purpose as such Surveyor would have had, and shall pay the same to such Treasurer as aforesaid.

Accounts of existing Surveyors to be passed according to present Law, and Money and Effects to be paid and delivered to their Successors appointed under this Act.

XXXIV. The Accounts of every such Surveyor whose Powers shall so determine shall be passed within the like Periods respectively after such Determination, and in like Manner, and under and subject to the like Provisions in all respects, as if this Act had not been passed, save that it shall not be necessary that such Accounts be passed at a Special Sessions for the Highways, but the same may be passed at a Petty Sessions; and the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, concerning Payment and Delivery by a Surveyor leaving Office, and by the Executors and Administrators of a deceased Surveyor, of Money due from him, and Books, Accounts, Papers, Writings, Tools, Materials, Implements, and other Things, to his Successor in Office, and all the Provisions of such Act applicable in default of such Payment and Delivery, according to the Provisions of the said Act, shall be and remain applicable in relation to all Moneys, Books, Accounts, Papers, Writings, Tools, Materials, Implements, and other Things which if this Act had not been passed ought to have been paid and delivered to the Successor, under the said Act of King *William* the Fourth, of such Surveyor as if the Highway Board of the District in which the Parish or Parishes is or are comprised for which such Surveyor was appointed were the Successor in Office of such Surveyor, and had been appointed under the said Act of King *William* the Fourth.

Surveyor of Highway Board exempted from Turnpike Tolls.

XXXV. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road in any Highway District constituted under this Act from the Surveyor of the Highway Board of such District when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, shall apply to and in the Case of the Exemptions conferred by this Enactment.

Power to Highway Board to order their Surveyor

XXXVI. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, is out of Repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their

their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

to repair certain Roads, and charge the Parties liable for the same.

XXXVII. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable, or the Surveyor of Highways of the District, may apply to any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same is situate; and such Justice shall thereupon issue his Summons requiring such Surveyor or the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix the Proportion of the Expenses of repairing and maintaining such Highway to be annually paid by such Person or Corporation to the Treasurer of the Highway Board of the District in which such Highway is situate, and such Order shall be binding upon all Persons and Parties whatsoever: Provided nevertheless, that such Justices, instead of fixing the Proportion of the Expenses of repairing such Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Person or Corporation to the Treasurer of such Board, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such last-mentioned Sum, or of such annual Sum as aforesaid, the Clerk of such Board may proceed for the Recovery thereof in the same Manner as any Penalties or Forfeitures are recoverable under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds One hundred Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in some Public Government Securities, and the Interest and Dividends arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed One hundred Pounds, the same, or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish; and from and after the making of such Order such Highway shall be repaired in like Manner and at the like Expense as other Highways which such Parish is liable to repair.

Power to Justices to order certain Highways to be made Highways to be repaired, &c. by the Parishes.

XXXVIII. When any Highway Board consider any Highway within their District unnecessary for public Use, they may direct their Surveyor to apply to Two Justices to view the same, and shall authorize him to pay all Expenses attending such View (which Expenses and other the Expenses of the Surveyor consequent upon such Application shall be Expenses chargeable under this Act on the Parish in which the Highway in question is situate), and thereupon the like Proceedings shall be had as in the Case where Application is made under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, to procure the stopping up of any Highway, save only that the Order to be made thereupon, instead of directing the Highway to be stopped up, shall direct that the same shall cease to be a Highway which the Parish is liable to repair, and the Liability of the Parish shall cease accordingly; and for the Purpose of such Proceedings under this Enactment, such Variation shall be made in any Notice, Certificate, or other Matter preliminary to the making of such Order as the Nature of the Case may require: Provided always, that if at any Time thereafter, upon Application of any Person interested in the Maintenance of such Highway, after One Month's previous Notice in Writing thereof to the Clerk of the Highway Board for the District in which such Highway is situated, it appear

Provisions for Discontinuance of Maintenance of unnecessary Highways.

appear to any Court of General or Quarter Sessions of the Peace that from any Change of Circumstances since the Time of the making of any such Order as aforesaid under which the Liability of the Parish to repair such Highway has ceased, the same has become of public Use, and ought to be kept in repair by the Parish, they may direct that the Liability of the Parish to repair the same shall revive from and after such Day as they may name in their Order, and such Liability shall revive accordingly, as if the first-mentioned Order had not been made; and the said Court may by their Order direct the Expenses of and incident to such Application to be paid as they may see fit.

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

XXXIX. 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.

XL. From and after the passing of this Act, if any Highway is out of repair, or is not well and sufficiently repaired and amended, an 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 Petty Sessions 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 some competent Person to view the same, and report thereon to the Justices in Petty 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 Petty 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 Petty Sessions shall make an Order requiring the said District Surveyor to repair the said Highway within a Time limited therein, and shall make an Order requiring the Overseers of the Poor, or other Party or Body Politic or Corporate liable to the Repair of the said Highway, to pay to the Treasurer, at such Time or Times as they shall direct, either in One Sum or by Instalments, 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, it shall be lawful for any Two Justices of the Peace to issue their Warrant for levying the Amount of Money, or so much thereof as may not be paid within the Time limited, by Distress and Sale of the Goods of the said Overseers of the Poor, 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

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

If Money not paid the same to be levied by Distress.

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.

Width of Roads to be maintained when they cease to be Turnpike Roads.

XLI. All Roads hereafter ceasing to be Turnpike Roads shall on their so ceasing be repaired and maintained by the Surveyor or Board, or other Body liable to maintain the same, to the same Width as they are or were required to be while Turnpike Roads; and all Roads heretofore Turnpike Roads, which have already ceased to be so, shall be repaired and maintained by such Surveyor, Board or other Body, to the present Width of such Roads, and after the passing of this Act, as regards any Road which has ceased or which may cease to be a Turnpike Road, the Erection or making of any Building, Hedge, Ditch, or other Fence, or the doing of any other Act which would have been deemed an Encroachment on any such Road if the same had continued to be a Turnpike Road, shall be deemed an Encroachment on a Highway, within Section Sixty-nine of the said Act of the Fifth and Sixth Years of King *William* the Fourth, although the same may be beyond the Distance from the Centre of the Carriageway mentioned in the said Section.

Acts required to be done at Special Sessions for Highways may be done at Petty Sessions.

XLII. It shall not be requisite for the Justices of the Peace to hold Special Sessions for executing the Purposes of the said Act of the Fifth and Sixth of King *William* the Fourth, Chapter Fifty; but all Acts and Matters which might have been done at such Special Sessions under the said Act or this Act, or under any other Act of Parliament, may be done by Two or more Justices at any Petty Sessions.

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

XLIII. Except as herein otherwise provided, all the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, shall remain in force and be applicable as well to the Highways to be managed under this Act as to the Highways which may continue to be managed under that Act, and the said Act and this Act shall be construed together as One Act.

Act to extend only to South Wales.

XLIV. This Act shall extend only to *South Wales*, and 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.

XLV. In the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Parish" shall mean any Parish, Place, or District maintaining its own Highways, or which, if this Act and the said Act of the Fourteenth and Fifteenth Years of Her Majesty had not been passed, would have maintained its own Highways, and where Part only of any such Parish, Place, or District is comprised in a Highway District constituted under this Act shall mean such Part; the Word "Borough" shall mean a Borough according to the Meaning of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, "for the Regulation of "Municipal Corporations in *England* and *Wales*," or any Corporate Place which since the passing of that Act has become subject to the Provisions thereof; and the Word "County" shall mean any County, Riding, Division, or Liberty having a separate Court of Quarter Sessions of the Peace.

CAP. LXIX.

An Act to enable the Ecclesiastical Commissioners for *England* to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of *Manchester*. [6th *August* 1860.]

'WHEREAS it is expedient more effectually to enable the Ecclesiastical Commissioners to carry out the Intentions of the "*Manchester* Parish Division Act, 1850," and to secure the full Benefits intended by the said Act to the several Rectors, Incumbents, or Ministers

13 & 14 Vict. c. 41.