ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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C A P. LXXII.

An Act for the further Amendment of the Laws relating to Turnpike Roads in *South Wales*.

[22d *July* 1847.]

WHEREAS it is expedient to amend an Act passed in the Session held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales: And whereas by the said Act Provision is made for the assessing, levying, and collecting of a Rate for the Purposes of the said Act, to be termed a County Road Rate, and also for the levying and collecting of Tolls, and the Distances within which it shall be lawful to collect the same, and for other Purposes: And whereas Difficulty has been found in carrying these and other Provisions of the said Act into execution: 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 so much of the said recited Act as requires the High Constables of any Hundred or Division to perform any Part or Duty in the levying or collecting of any County Road Rates, or to act in anywise therein, shall be and is hereby repealed, and the Provisions of an Act passed in the same last-mentioned Session of Parliament, intituled *An Act for facilitating the Collection of County Rates, and for relieving* *High*

7 & 8 Vict. c. 91.

So much of 7 & 8 Vict. c. 91. as requires High Constables to act in Collection of County Road Rates repealed, and

7 & 8 Vict. c. 33. deemed to apply.

High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties, shall be deemed to apply to such County Road Rates in like Manner as to any County Rates.

County Road Rate to be collected by the same Officers or Parties as the County Rate.

II. And be it enacted, That whenever the Justices of the Peace in any of the Counties in *South Wales* to which the said first-recited Act applies shall, in conformity with the Provisions and for the Purposes of the said Act, order a County Road Rate to be assessed and collected with and as Part of the County Rate for any of the said Counties respectively, they shall cause the same to be collected by the same Officers or Parties as shall for the Time being collect the County Rate; and in every Precept or Warrant to be issued for the Collection of the said County Rate and County Road Rate jointly, the Amount assessed upon each Parish, Township, or other Place in respect of each of such Rates shall be set forth separately.

Clerks of the Peace to send Copies of Warrants of Justices to Clerks of Boards of Guardians in certain Cases.

III. And be it enacted, That in any Case in which the Justices of any such County shall not issue their Precept to the Guardians of any Union for the Payment of the County Rate to the Treasurer of the County, in conformity with the Statute in that Behalf, then and in such Case the Clerk of the Peace of such County shall, so soon as the Warrants for the Collection of the County Rate and of the County Road Rate shall have been issued, send a Copy of every such Warrant which shall relate to any Parish or other Place comprised in such Union to the Clerk to the Guardians of such Union.

Clerks of Boards of Guardians to ascertain the Proportion which the County Road Rate forms of the Poor Rate Assessment, and to give Notice thereof to Overseers.

IV. And be it enacted, That the Clerk to the Board of Guardians of every Union either wholly or in part contained within the several Counties to which such first-recited Act applies, upon the Receipt of the Precept of the Justices or of the Copy of the Warrant, as the Case may be, shall (so soon as the Sum stated therein shall have been paid in pursuance of the Precept or Warrant) compare the Amount of the County Road Rate assessed upon each Parish or other Place within his Union with the Amount of the last Assessment which shall have been allowed by the Justices for the Purpose of being levied in such Parish or Place for the Relief of the Poor out of which the said Sum shall have been paid, and shall ascertain the proportionate Amount in the Pound which such County Road Rate bears in reference to the whole Amount of the said Assessment, and shall forthwith transmit to the Overseers of such Parish or Place, or to the Assistant Overseers or Collectors, if any there be, a Statement of such proportionate Amount; and every such Clerk shall receive for his Trouble therein such Compensation, out of the Monies to be raised by such County Road Rate, as the Justices at their General Quarter Sessions assembled shall deem fit.

Overseers to publish Notice of the Proportion so ascertained, and to give Certificates to Rate-

V. And be it enacted, That the Overseers, Assistant Overseers, or Collectors shall, upon Receipt of such Statement as aforesaid, give and publish Notice, in like Manner as parochial Notices are usually given and published in such Parish or Place, of the proportionate Amount in the Pound of the County Road Rate so stated by the said Clerk to the Guardians; and the said Overseers, Assistant Overseers, or Collectors who shall be entitled to receive or shall

have received the last Rate upon which the Proportion shall have been ascertained as aforesaid shall, upon Request of any Party who shall have paid any Rate contained in such Assessment, compute and certify in Writing the Sum which such Party has contributed to the County Road Rate out of the Sum so paid, according to the Proportion declared by the said Clerk as aforesaid; and such Certificate shall be signed by such Overseer, Assistant Overseer, or Collector; and the Sum therein stated to have been contributed to the County Road Rate shall, if correctly computed, be the Sum which the Occupier shall be empowered to deduct from the next Payment of his Rent, according to the Provisions of the said first-recited Act; and any Overseer, Assistant Overseer, or Collector who shall refuse to give any such Certificate as aforesaid, upon Demand of the Person entitled to receive the same, shall be liable to a Penalty not exceeding Twenty Shillings, upon Conviction before the Justices of the County in which the Parish shall be situated, to be recovered and applied as Penalties under the Act of the Fifth Year of the Reign of His late Majesty for the Amendment of the Laws for the Relief of the Poor.

payers of Amount of Road Rate paid by them.

VI. And be it enacted, That the said Clerk to the Guardians shall be empowered to call upon the Overseers, or other Persons having the Custody thereof, for the Rate or Rate Books, which he shall require for the Purpose aforesaid, as and when he shall so require them, giving reasonable Notice for the same; and every Person having the Custody thereof who shall wilfully neglect or refuse to allow him to have or inspect the same for such Purpose shall be liable to forfeit and pay a Sum not exceeding Five Pounds, upon Conviction before the Justices of the County in which the Parish shall be situated, to be recovered and applied as Penalties under the Act of the Fifth Year of the Reign of His late Majesty for the Amendment of the Laws for the Relief of the Poor.

Clerk to the Guardians empowered to call for Rate Books, &c.

VII. And be it enacted, That in the Case of any Parish or Place not forming Part of any Union under the Laws relating to the Relief of the Poor, all the Acts, Matters, and Things hereby directed to be done and performed by the Clerk to the Board of Guardians shall, so far as the same are practicable, be done and performed in like Manner by the Overseers or other Persons empowered by Law to levy the County Rates, Police Rates, or other Rates in such Parish or Place for the Time being.

Where a Parish does not form Part of a Union, Overseers to act in like Manner as Clerks to Guardians.

VIII. And whereas before the passing of this Act certain Rates have been made, and certain Sums of Money have been ordered by the Justices of certain of the said Counties, in Quarter Sessions assembled, to be levied and collected as and for County Road Rate, but by reason of the Difficulties before mentioned in carrying the said first-recited Act into operation the same could not be or have not been collected; be it enacted, That such Rates shal be deemed to be good and valid, but the said Justices shall issue new Precepts or Warrants for the levying and collecting of the same, or such Parts thereof as shall not have been levied or collected, to the Guardians, Overseers, or other Persons empowered by Law to collect the same under

Rate already made declared valid, but to be collected according to this Act.

under the Provisions of the said secondly-recited Act and of this Act; and the Provisions and Regulations in this Act contained shall apply to the said last-mentioned Rates, in like Manner as to any Rates to be hereafter made.

Mode of measuring Roads in reference to clearing of Gates defined.

IX. And whereas by the said recited Act it is enacted, "that from and after the Repeal of the said Local Acts respectively, when any Toll shall have been once taken in respect of any Horse or other Animal not drawing, or of any Horse or other Animal drawing any Carriage or Vehicle at any Toll Gate or Bar within any of the said Counties, no Toll shall thereafter be taken in respect of the same Horse or other Animal, or in respect of the same Carriage or other Vehicle, on the same Day (to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the next succeeding Night) for repassing through the same Gate or Bar, or for passing or repassing through any other Gate or Bar in the same County, within the Distance of Seven Miles from the Gate or Bar at which such Toll shall have been taken (such Distance measured along Turnpike Roads only), nor for passing or repassing through any Gate or Bar in any other of the said Counties adjoining within the Distance of Two Miles from the Gate or Bar at which such Toll shall have been taken, to be measured as aforesaid, along and in respect of Turnpike Roads within either of such Counties:" And whereas Doubts have arisen in what Manner and along what Description of Roads such Distances respectively ought to be measured, and whether Portions of Road within the Boundaries of Cities or Towns separately maintaining their own Roads, and also whether County Bridges and the Approaches thereto, and Ferries, ought to be included in or excluded from such Measurement; for the Removal of such Doubts it is hereby declared and enacted as follows; (that is to say,)

Wherever there is a continuous Line of Turnpike Road between Two Turnpike Gates such Distances shall be measured along such continuous Turnpike Road:

A Turnpike Road shall be deemed to be continuous, for the Purpose of such Measurement, notwithstanding that any County Bridge or the Approaches thereto, or any Ferry, or any Roads within the Limits of any City or Town which may be maintained by any local Commissioners, or which may be separately maintained according to the Provisions of the said recited Act, may intervene so as to form Part of the Line of such continuous Turnpike Road between Two Gates; and in any such Case the Portions of Road upon or forming the Approaches to such County Bridge and such Ferry shall be included; but the Roads within the Limits of any such City or Town (if the same be a Market Town, but not otherwise,) shall be excluded from such Measurement.

Power to fill up Vacancies in County Roads Boards occasioned by Non-attendance.

X. And be it enacted, That if any Member of any County Roads Board shall absent himself from the Meetings of the said Board for the Space of Twelve Months continuously, the Justices of the Peace for such County shall, at any General Quarter Sessions held after the Expiration of such Period, elect and appoint another Person in the Room of such Member, in like Manner as if such Member had died or resigned.

XI. And

Regulation of Roads of Presteigne Trust, situate in the County of Radnor, acting under 3 G. 4. c. xvi.

XI. And whereas certain Roads or Portions of Road included within the Powers of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, and intituled *An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from* Ryeway *in the Parish of* Yaspole *in the County of* Hereford *to* Presteigne *in the County of* Radnor, *and several other Roads therein mentioned in the said County of* Radnor *and in the Counties of* Hereford *and* Salop, are locally situated within the County of *Radnor*, and it is expedient that certain of the Regulations applicable to the other Roads within the said County should extend to and include the said first-mentioned Roads; be it therefore enacted, That it shall and may be lawful for the Trustees acting under the Powers of the said recited Act to reduce the Tolls payable at any Turnpike Gate on any of such first-mentioned Roads situate within the said County to the Amounts specified in the Second Schedule to the said first-recited Act annexed, and thereupon to agree with the County Roads Board of the said County that all Turnpike Gates upon such first-mentioned Roads shall clear the Turnpike Gates upon Roads within the Jurisdiction of the said County Roads Board which may be situate within the Distance of Two Miles therefrom, and shall be cleared by such last-mentioned Turnpike Gates reciprocally, and in that Case such Distance shall be measured and computed according to the Rules herein-before prescribed for the Measurement of Distances between Turnpike Gates for the Purposes of this and the said first-recited Act.

Compensation to be made to Trustees of Presteigne Trust.

XII. And whereas some Diminution of Tolls may by reason of this Act be occasioned to the Trustees acting under the Provisions of the last-recited Act, and it is reasonable that Compensation should be made to them for the same; be it enacted, That it shall be lawful for the County Roads Board of the County of *Radnor* to agree with the said Trustees for the Payment to them and their Successors of such annual Sum, to be paid at such Times and in such Manner as shall be determined and specified by such Agreement, and such Agreement shall be valid and effectual in Law; provided that such Payment as aforesaid shall always be made out of the County Roads Fund of the said County, and shall form a Charge upon such County Roads Fund next in order after the Annuity payable to the Public Works Loan Commissioners, and prior to all other Charges upon the same.

Certain Parts of the Road near Swansea to be in future under the Management of the County Roads Board of Glamorgan.

XIII. And whereas it is expedient that the Two several Pieces of Road herein-after mentioned, and which were omitted in the Description of the Roads to be maintained and repaired under the Powers and Provisions of the Two herein-before recited Acts, should form Part of the several Roads to be maintained and repaired under the Authority of the County Roads Board of the County of *Glamorgan*, (that is to say,) the Road which leads from the old Turnpike Toll House near *Greenhill* in the Parish of *Swansea*, and passing over the *Aberdyverthy Bridge*, joins the Turnpike Road from *Swansea* to *Neath* at or near the Eastern End of the said Bridge, and the Road which leads from the Turnpike Road from *Swansea* to *Gower* at or near the Eastern

Eastern Entrance to *Saint Helen's*, and joins the lower Road from *Swansea* to the *Mumbles*, at or near a certain Direction Post on the said Lower Road; be it therefore enacted, That from and after the passing of this Act the said Two several Pieces of Road shall be managed, maintained, and repaired under the Authority of the County Roads Board of the County of *Glamorgan*, and for the Purposes of this Act and the said recited Acts shall be deemed and taken to form Part of the County Roads of the said County of *Glamorgan*.

31 G. 3. c. 106. and 9 G. 4. c. cvi. repealed.

XIV. And be it enacted, That an Act passed in the Thirty-first Year of the Reign of King *George* the Third, intituled *An Act for amending, widening, and keeping in repair the Road leading from the Town of* Haverfordwest, *through the Town of* Fishguard, *to the Town of* Newport *in the County of* Pembroke, *and also from the Town of* Fishguard *to the City of* Saint David's *in the said County of* Pembroke, and also another Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing the Roads from* Tavernspite *to the Towns of* Pembroke *and* Tenby *and to* Hubberston Hakin, *and from* Loveston Mountain *to* Cavaston Bridge, *and from the End of* Toch Lane *on the said Road from* Tavernspite *to* Hubberston Hakin *to the Road from* Loveston Mountain *to* Cavaston Bridge, *and from the Parish of* Cranwear *to* Pembroke Dock *and* Hobb's Point, *all in the County of* Pembroke, shall be and the same are respectively hereby repealed.

Commencement of Act.

XV. And be it enacted, That this Act shall come into operation on the First Day of *August* One thousand eight hundred and forty-seven.

Act to be construed in like Manner as 7 & 8 Vict. c. 91. and 8 & 9 Vict. c. 61.

XVI. And be it enacted, That the Act passed in the Session held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales, and another Act passed in the Session held in the Eighth and Ninth Years of the Reign of Her said Majesty, intituled *An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in* South Wales, and the present Act, shall be construed as one Act.

Act may be amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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