



Towns Improvement Clauses Act 1847

1847 CHAPTER 34

Paving

And with respect to paving and maintaining the Streets, be it enacted as follows:

XLVII Management of Streets vested in Commissioners.

The Mangement of all the Streets which at the passing of the special Act are or which thereafter become public Highways, and the Pavements and other Materials, as well in the Footways as Carriageways, of such Streets, and all Buildings, Materials, Implements, and other Things provided for the Purposes of the said Highways, by the Surveyors of Highways or by the Commissioners, shall belong to the Commissioners.

XLVIII Commissioners to be Surveyors of Highways.

The Commissioners, and none other, shall be the Surveyors of all Highways within the Limits of the special Act, and within those Limits shall have all such Powers and Authorities, and be subject to all such Liabilities, as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force; and the Inhabitants of the District within the said Limits shall not, in respect of any Lands situate within the said District, be liable to the Payment of any Highway Rate, Grand Jury Cess, or other Payment in respect of making and repairing Roads within the other Parts of the Parish, Township, Barony, or Place in which the said District or any Part thereof is situate.

XLIX Commissioners liable to Indictment for Want of Repairs.

The Commissioners shall be deemed guilty of a Misdemeanor for refusing or neglecting to repair any public Highway within the Limits of the special Act, and shall be liable to be indicted for such Misdemeanor in the same Manner as the Inhabitants thereof, or of any Parish, Township, or other District therein, were liable before the passing of the special Act.

L Road Trustees not to collect Tolls within Limits of Act.

The Trustees of any Turnpike Road shall not collect any Toll on any Road within the Limits of the special Act, or lay out any Money thereon.

LI Power for the Commissioners to pave public Streets.

The Commissioners may from Time to Time cause all or any of the Streets under their Management, or any Part thereof respectively, to be paved, flagged, or otherwise made good, and the Ground or Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as they think fit; and they may also pave or make, with such Materials as they think fit, any Footways for the Use of Passengers in any such Street, and cause such Streets and Footways to be repaired from Time to Time.

LII Commissioners may place Fences to Footways.

The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways' of the Streets under their Management as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers ; and they shall from Time to Time repair any such Fences or Posts, or remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

LIII Where public Streets have not heretofore been paved, Commissioners may cause them to be paved, at the Expence of the Occupiers of adjoining Lands.

If any Street, although a public Highway at the passing of the special Act, have not theretofore been well and sufficiently paved and flagged or otherwise made good, the Commissioners may cause such Street, or the Parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such Manner as they think fit, and the Expences incurred by the Commissioners in respect thereof shall be repaid to them by the Occupiers of the Lands abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such Expences shall be recoverable from such Occupiers respectively as herein-after provided with respect to private Improvement Expences, and thereafter such Street shall be repaired by the Commissioners out of the Rates levied under this or the special Act.

LIV Future Streets may be declared Highways.

If any Street, not being a public Highway at the passing of the special Act, be then or thereafter paved, flagged, or otherwise made good, to the Satisfaction of the Commissioners, then, on the Application of the greater Part in Value of the Occupiers of the Houses and Lands in such Street, the Commissioners shall, by Writing, under their Common Seal if they be incorporated, or, if they be not incorporated, then under the Hands of Five of the Commissioners, declare the same to be a public Highway, and thereupon the said Street shall become a public Highway, and shall be thereafter repaired by the Commissioners out of the Rates levied under this and the special Act; and such Declaration shall be entered among the Proceedings of the Commissioners, and Notice of such Declaration shall be put up in some conspicuous Place in or near such Street.

LV Commissioners, upon Completion of Two Thirds of any Street, may, upon Application, require remaining One Third to be completed by Owners of Houses.

If any Street, not being a public Highway at the passing of the special Act, be thereafter to the Extent of Two Third Parts thereof paved and flagged or otherwise made good to the Satisfaction of the Commissioners, then, on the Application of the Owners of the Lands abutting on such Parts of the said Street as have been so made good, the Commissioners may require the Owners of the Buildings or Lands abutting on the Remainder of the said Street to pave and flag or otherwise make good to the Satisfaction of the Commissioners such Remainder of the said Street, or such Parts thereof as front such last-mentioned Buildings and Lands, within a reasonable Time, to be fixed by the Commissioners; and if such Remainder of the said Street, or any such Part thereof as aforesaid, be not made good as aforesaid within the Time so fixed, the Commissioners may cause the Part not so made good to be made good, and the Expences which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the Owners by whom such Paving ought to have been done respectively ; and such Expences, if not forthwith repaid by such Owners, shall be recoverable from the Occupiers of such Buildings and Lands as herein-after provided with respect to private Improvement Expences; and when the whole of the said Street is paved and made good to the Satisfaction of the Commissioners, they shall, by Writing, under their Common Seal if they be incorporated, or, if they be not incorporated, then under the Hands of Five of the Commissioners, declare the same to be a public Highway, and thereupon the said Street shall become a public Highway, and shall for ever afterwards be repaired by the Commissioners, and such Declaration shall be entered among the Proceedings of the Commissioners.

LVI Penalty on Persons altering Pavements without the Consent of the Commissioners.

Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street under the Management of the Commissioners, without their Consent in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Flags, or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered.