



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## *Cap. xxxv.*

An Act for improving and maintaining the Road from *Merlin's Bridge* to *Pembroke Ferry* in the County of *Pembroke*. [26th April 1830.]

**W**HEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, widening, and keeping in repair the Road leading from Merlin's Bridge to Pembroke Ferry in the County of Pembroke*: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term of an Act for repairing the Road from Merlin's Bridge to Pembroke Ferry in the County of Pembroke*: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected on the said Road, and are still due and cannot be repaid, nor can the said Road be properly maintained in repair, unless the Term and Powers of the said Acts are enlarged, and some additional Powers are granted: And whereas it would be a great Accommodation to the Neighbourhood of the said Road, and of public Utility, if Power were given to make a certain Diversion from and out of such Road, and also to make a new Line of Road, as herein-after mentioned; and if Power were given to stop up or to abandon and discontinue as Turnpike Road certain Parts of the present Road, as herein-after mentioned: And whereas it would facilitate the Execution of the Objects herein-before mentioned, if the Acts herein-before recited were repealed,

[Local.] 7 Y and

28G.3.c.102.  
48G.3.c.114.

and other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the several beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 from and after the Twenty-eighth Day of *July* next after the passing of this Act the said recited Acts of the Twenty-eighth and Forty-eighth Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts  
of 28 & 48 G. 3.  
repealed.

Objects and  
Powers of  
this Act.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purposes of improving and maintaining in repair the present Road leading from *Merlin's Bridge* to *Pembroke Ferry* in the County of *Pembroke*; and also for the Purpose of making and maintaining a Diversion of the present Road, commencing at or near to a certain Place on the said Road, called *Dirty Corner*, in the Parish of *Burton*, and again uniting with the said Road at or near to *Pembroke Ferry* aforesaid; and also for making and maintaining a new Line of Road commencing at or near to *Dirty Corner* aforesaid, and passing thence through or into the several Parishes of *Burton* and *Rosemarket*, or one of them, and terminating at or near to *Pembroke Ferry* aforesaid, all in the said County of *Pembroke*.

Provisions of  
5 G. 4. c. 69.  
extended to  
this Act.

III. And be it further enacted, That the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and all and every the Powers and Provisions therein contained shall, except so far as they are repealed or altered, be as valid and effectual for carrying this Act into execution as if they had been repealed and re-enacted in the Body of this Act.

Trustees.

IV. And be it further enacted, That the Right Honourable *William Edwardes* Lord *Kensington*, the Honourable *Robert Fulk Greville*, Sir *Richard Bulkeley Philipps* Baronet, Sir *John Owen* Baronet, Sir *Henry Matthias*, *Hugh Owen*, *Owen Philipps*, *John Henry Philipps*, *John Hensleigh Allen*, General *Alexander Adams*, *Hugh Webb Bowen*, *Bowen*, *Lewis Child*, *William Cozens*, *James Higgon*, *William Phillipps*, *Laugharne John Philipps*, *Lloyd Allen Philipps*, *Charles Matthias*, *Mirehouse*, *John Lort Philipps*, *John Harcourt Powell*, *George Clayton Roch*, *George Roch*, *George Roch junior*, *Thomas Lloyd*, *John Willey*, *William Davies*, *Anthony Innys Stokes*, *Richard Matthias*, *Henry Leach*, *Samuel Harries*, *George Harries* Doctor of Medicine, *John Harding Harries*, the Reverend *David Bird Allen* Clerk, *Abraham Leach*, *John Leach*, *Walter David Jones* Doctor of Medicine, *James Rees* Clerk, *James Summers* Clerk, and their Successors, being duly qualified according to the Provisions

and Directions of the several Acts passed for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

V. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings to be held in pursuance of this Act, (of which Meeting and of the Purpose thereof at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said last-mentioned Act of the Third Year of the Reign of His said present Majesty in the Place of Trustees dying, resigning, or otherwise becoming incompetent or disqualified to act, and being duly qualified, shall have the like Powers for executing this Act as if they had been named herein.

Power to  
appoint  
additional  
Trustees.

3 G. 4. c.126.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Mariners Inn* in the Town and County of *Haverford West*, or at some other convenient Place in the Neighbourhood of the said Road, on the Seventh Day of *August* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places within the said Town and County of *Haverford West*, or in the Neighbourhood of the said Road, as the said Trustees, or the major Part of them, present at such respective Meetings, shall think proper and appoint.

First Meet-  
ing of  
Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the Diversion from the said present Road, and also the new Line of Road herein-before mentioned, of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Diversion and new Line, as they shall think expedient; and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which such Diversion, new Line, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, or any of them, are intended to be made or pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such  
Manner

Diversions,  
&c. may be  
made.

Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Map deposited with Clerk of the Peace to be open for Inspection, and Diversion to be made according thereto.

VIII. And whereas a Map or Plan describing the said intended Diversion and new Line of Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same are intended to be carried, together with a Book of Reference, thereto, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the County of *Pembroke*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to such Clerk the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or either of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees, in making such Diversion or new Line, shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan without the Consent in Writing of the Person or Persons or Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments any such Deviation shall be made.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

IX. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Diversion or new Line of Road shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Lands marked in the Plan may be used notwithstanding Errors in the Act or Book of Reference.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and new Line of Road upon, in, over, or through any Lands, Tenements, or Hereditaments upon, in, over, or through which such Diversion and new Line are delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owner or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in  
this

this Act or in the Schedule thereto, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the County, Town, or Place within which such Lands, Tenements, or Hereditaments shall be situate (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

XI. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued and purchased the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers by this Act or by any other Act or Acts granted in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Diversion or new Line of Road by this Act authorized, cease and be utterly void; any thing in this Act, or in any such Act or Acts as aforesaid, contained to the contrary thereof notwithstanding.

Limiting  
Period of  
purchasing  
Property.

XII. Provided always, and be it further enacted, That when and so soon as the said Diversion of Road shall have been made and completed, fit for the Passage of Horses, Cattle, and Carriages, so much of the present Line of Road in lieu whereof such Diversion shall have been made shall cease to be under the Controul of the said Trustees, and so much and such Part or Parts of the Land constituting the former Road, as in the Judgment of the said Trustees may be unnecessary, shall and may be stopped up and discontinued as public Highways, and shall be vested in the said Trustees, and shall and may be sold for the Benefit of the Trust in the Manner and subject to the Conditions, Provisions, and Regulations in that Behalf contained in an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.*

Part of old  
Road to be  
discontinued  
after Diver-  
sion made.

3G. 4. c. 126.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Toll Bars and Toll Houses and Weighing Machines now erected upon the said Road or upon the Sides thereof, and also to erect or build in lieu thereof or in addition thereto, upon the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge necessary, any Toll Gates or Toll Bars and Weighing Machines and Toll Houses, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for the same, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to alter or take down and rebuild, or to discontinue and remove, the same or any of them, as they the said Trustees shall think proper.

Power to  
continue and  
erect Toll  
Gates, &c.

[*Local.*]

7 Z

XIV. And

Tolls.

XIV. And be it further enacted, That {the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricule, Gig, or other such like Carriage, the Sum of Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Three-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Four-pence Halfpenny; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle, laden or unladen, and not drawing, the Sum of One Penny :

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence, and so in proportion for any less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence, and so in proportion for any less Number :

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings :

4 G. 4. c. 95.

Such last-mentioned Toll to be in lieu of any Penalty to which, by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

No Exemption where Nails of Tire project above a Quarter of an Inch.

XV. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or for repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes or other Agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

Carriages, &c. not to pay on re-passing.

XVI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates

Gates or Toll Bars, such Horse, Beast, or Cattle shall at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages, or drawing Post Chaises, or other such like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free; provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Hire or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupoise, or more, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Three Miles or more.

Exception.

XVII. Provided always, and be it further enacted, That no more than Two full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horses, Beasts, or Cattle or Carriages in any One Day for passing and repassing once through all the several Toll Gates or Toll Bars upon the said Road.

Limiting the Number of Tolls.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and repassing along the said Road; provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Stage Coaches, &c. to pay every Time of passing.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing any Post Chaise or other Carriage, for each Time of passing along the said Road, whenever a new Hiring thereof shall take place.

Post Chaises, &c. to pay on every new Hiring.

XX. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Road by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle, shall never exceed the Weights following; that is to say, from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof; and from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive,

Limiting the Weights to be carried by One Horse Carts.

One

One Ton and Seven Hundred Weight for each such Carriage and the Lading thereof.

One Horse  
Carts may be  
weighed.

XXI. And be it further enacted, That all Carts or other such Carriages passing along the said Road, drawn by only One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Road, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses, shall be applicable to Carts or other such Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Owners and Drivers thereof.

Application  
of Money.

XXII. And be it further enacted, That the Monies already received or to be received by virtue of the said former Acts hereby repealed, and also all Monies which shall be received under this Act, shall be applied by the said Trustees in manner following; that is to say, in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been advanced by any Person for the Payment thereof, or of any Part thereof, from the Time that the same, or any Part thereof, shall have been advanced, to the Time of the same being repaid by the said Trustees; and in the next place, in paying and discharging any Interest which may from Time to Time be owing on the Credit of the said former Acts hereby repealed, or which may at any Time hereafter become due on the Credit of this Act, and afterwards in defraying the Expence of amending, improving, repairing, and maintaining the said Road, and of making and maintaining the Diversion and new Line of Road by this Act authorized to be made, and of otherwise executing the several Purposes of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may have been borrowed and secured under or upon the Credit of the Tolls granted by the said former Acts, and also any Principal Sum or Sums of Money which may hereafter be borrowed and secured under or upon the Credit of this Act.

Tolls not to  
be laid out in  
repairing, &c.  
Streets.

XXIII. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said former Acts hereby repealed, or of this Act, shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within any City or Town through which the said Road may pass, and which Streets, Roads, and Highways now have or hereafter shall have Houses or other Buildings abutting upon or ranging along both Sides thereof, nor shall it be lawful for the said Trustees to collect any Toll or Tolls therein; any thing herein contained to the contrary notwithstanding.

Leases may  
be vacated;  
and new  
Agreements  
made.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to be held within Three Calendar Months next after the passing of this Act, or at any Adjournment



Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses and Buildings and Appurtenances thereto belonging, shall cease and be vacated from and after the Twenty-first Day next after such Meeting; and from and after such Declaration and Order the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive and recover Payment of all Rent and Arrears of Rent and Payments due and to become due thereon; and the said Trustees shall and are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain thereby, to be paid at such Times and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction may be recovered by such respective Lessees, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months after the same shall be due and demanded of the Clerk or Treasurer to such Trustees, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that in case such Trustees and Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid: Provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls hereby granted and made payable as they shall think reasonable and proper, for the unexpired Term of their respective Leases or Agreements.

XXV. And be it further enacted, That this Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which may then next follow. Commence-  
ment and  
Continuance  
of this Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

The SCHEDULE referred to in this Act.

Description of Property.	Owners.	Occupiers.
Garden - - - -	Earl of Cawdor - -	Thomas Dean.
Garden - - - -	Mrs. Ann Wright - -	Wm. Moore.

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