

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXI.

An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales*. [31st *July* 1845.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales: And whereas in pursuance of the said Act certain Commissioners have been appointed to execute the Powers and Authorities thereby conferred, and to carry the same into execution; but the Powers of the said Commissioners will cease and determine by virtue of the said Act on the Twenty-ninth Day of *September* next: And whereas it is necessary that Provision should be made for carrying certain Parts of the said Act into effect after such Commission shall have expired, and also that some further Enactments should be made for more fully accomplishing the Objects of the said Act: 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, That from and after the passing of this Act the Pieces of Road in the Schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as Part of the County Roads of the Counties in which they are respectively situate. 7 & 8 Vict. c. 91.

Certain Roads to become County Roads.

Provision for Roads partly situated in different Counties.

II. And whereas the several Pieces of Road mentioned in Schedule (B.) to this Act annexed have heretofore been repaired and maintained as Parts of certain Turnpike Trusts which extend respectively into Two or more Counties: And whereas it is expedient that such Pieces of Road should continue to be repaired and maintained under one uniform Management, as heretofore; be it therefore enacted, That the several Pieces of Road mentioned in the Schedule marked (B.) to this Act annexed shall be and shall respectively be managed and maintained, and for the Purposes of this Act and the above-recited Act be considered, as Part of the County Roads of the several Counties therein specified respectively.

Power to make new Branch Road in Brecknockshire, authorized by 11 G. 4. & 1 W. 4. c. xxviii. to be made by certain Trustees therein named.

III. And whereas by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Roads in the Counties of* Brecon, Radnor, *and* Glamorgan, *and for making and maintaining several new Branches of Road to communicate therewith*, the Trustees for carrying the said Act into execution were empowered, amongst other things, to make and construct a certain Line or Branch of Road commencing at or near *Tavern-y-Prydd* on the Turnpike Road leading from *Builth* to *Llandovery*, and thence crossing the Rivers *Dulas* and *Irvon*, to *Pontrhydverre*, and from thence to the Turnpike Road leading from the Confines of the County of *Caermarthen* to *Llandovery*, and which said new Line of Road would extend through the several Parishes of *New Church*, *Llangammarch*, and *Llanwrtid*, subject to the Provisions and Regulations of the said Act: And whereas the said Line of Road has not yet been made, but the same, if now constructed, would afford a complete Communication between *Builth* and *Llandovery*, and would be otherwise beneficial to the said County of *Brecknock;* be it therefore enacted, That, subject to the Provisions and Restrictions contained in the said first-recited Act, all the Powers conferred upon the said last-mentioned Trustees by the said last-recited Act, so far as relates to the Construction of the said last-mentioned Line of Road, shall be and the same are hereby vested in the County Roads Board of the said County of *Brecknock*, provided that such last-mentioned Powers be exercised and the said Line of Road be constructed and made within Five Years from the passing of this Act; and such Road, when completed, shall be managed and maintained as Part of the County Roads of the County of *Brecon*.

Awards and Charges made by Commissioners under former Act confirmed.

IV. And whereas the afore-mentioned Commissioners have made certain Apportionments by the said recited Act directed to be made, and have also made various Awards and Reports to Her Majesty's Secretary of State for the Home Department, and the Monies by the said Awards directed to be paid have been paid or are in the Course of Payment; and to avoid any Doubts as to whether in all respects the Forms and Directions by the said Act prescribed have been complied with, or as to whether the Mode or Terms of making the said Apportionments, Awards, and Reports, or the Matters contained therein, or the Manner of the Execution thereof, are in exact Conformity with the Provisions of the said Act, and to give full Force and Validity to the Charges made or to be made

in pursuance of the said Act, be it enacted, That all Charges made or to be made by the said Commissioners, or by One of Her Majesty's Principal Secretaries of State, as the Case may be, and purporting to be made in pursuance of the said recited Act, or of the said Act and this Act, shall after the making thereof be good and effectual in all respects whatsoever, and according to the true Intent and Meaning thereof, and notwithstanding that in certain Cases the said Commissioners may not in all respects have complied or may not hereafter comply with the precise Forms and Directions in the said Act contained, or may not have apportioned, or may not hereafter apportion, on different Counties, Parts of the Debts of any Turnpike Trust, in any Case in which the said Commissioners have given or shall hereafter give in any Report to such Secretary of State their Reasons for not having made or for not making such Apportionment, and such Reports have been or shall be approved by such Secretary of State.

Provision for facilitating Payments by Exchequer Loan Commissioners.

V. And be it enacted, That the Public Works Loan Commissioners may pay any Monies by the said Awards or by any future Awards directed to be paid to any Parties who it shall be made to appear to their Satisfaction are the Persons or Bodies beneficially entitled thereto, and notwithstanding any Error or Omission in the aforesaid Awards or Reports, or the Awards or Reports hereafter to be made, as to the Parties or the Names or Descriptions of the Parties entitled thereto; and further, that all Payments already made, and which the said last-mentioned Commissioners would have been entitled to make, and which would have been effectual if this Act had passed previously to the making of such Payments, shall be and the same are hereby confirmed.

Former Payments confirmed.

Interest at Three per Cent. may be charged by Exchequer Loan Commissioners from Time of Payment until Accounts are made up.

VI. And be it enacted, That all Charges so made, or to be made as aforesaid, shall be valid, notwithstanding Interest after the Rate of Three Pounds *per Centum per Annum* has been or may be charged by the said Public Works Loan Commissioners on the Amount of Monies paid or to be paid by them, from the Date of Payment thereof up to the Time of making up the Accounts, as by the said Act is directed, and from which Period the several Annuities charged or to be charged upon the said Counties respectively are to become payable, although the Rate of Interest charged or to be charged upon such Monies is not specified in the aforesaid Act.

Commissioners to appoint Trustees of Monies secured upon charitable and religious Trusts.

VII. And whereas the Interest of and in divers Sums of Money charged or secured upon the Tolls of certain Turnpike Trusts has been heretofore conveyed to or vested in Trustees, in trust to apply the Proceeds thereof to certain charitable and other Purposes of a public Nature: And whereas in some Cases the Trustees of Turnpike Roads have heretofore acted as the Trustees of such Sums of Money so secured, and in some Cases the Deeds by which such Trusts were constituted have been lost, or the Trustees originally appointed have died, and no new Appointment of Trustees has since been made, or the Persons in whom the legal Interest in such Monies is now vested have become incapacitated, or are desirous to be relieved

relieved from the Burden of such Trusts; and it is expedient that Provision should be made for the better securing of such Monies to the Uses and Purposes to which the same were intended and of Right ought to be applied; be it therefore enacted, That, subject to the Provisions of any general Act which may hereafter be passed for the Regulation of Charitable Trusts in *England* and *Wales*, it shall be lawful for the Commissioners acting in execution of the said recited Act, in any Case in which they shall find that Monies have been secured upon the Tolls of any Turnpike Trust in *South Wales* upon any such charitable or public Trust as aforesaid, for the Execution of which Trust no Trustees, or no Persons legally qualified or competent to act as Trustees, or no sufficient Number of such legal and competent Trustees, exist, by Order under their Hands and Seal to appoint or substitute such fit and proper Persons as they shall determine to be the Trustees, either alone or jointly with any former or existing Trustees, for the Purpose of receiving and applying such Monies as aforesaid to the several charitable or public Purposes to which the same were intended to be and have heretofore been applied, such Purposes in each Case to be specified in such Order of the said Commissioners, and also by such Order to relieve and discharge any Persons now being Trustees of any such Trusts as aforesaid, and who shall be desirous to be so relieved and discharged from the same, and to appoint other fit and proper Persons in their Stead; and in every such Case the Order of the said Commissioners so made as aforesaid shall be a good and valid Appointment or Discharge, as the Case may be, of such Trustees, without any other Deed or Instrument whatsoever.

Trustees to invest the Monies awarded to them for the Benefit of the Trust.

VIII. And be it enacted, That such Trustees so appointed as aforesaid, so soon as they shall have received such Monies as shall be awarded to them by the said Commissioners, shall forthwith invest the same in the best and most advantageous Manner for the Uses and Purposes of such Trusts respectively, regard being had as well to the Nature of the Security by which such Principal Monies may be assured as to the Rate of Interest payable on the same.

Secretary of State empowered to extend or vary the Limits of Towns after the Commission has terminated.

IX. And whereas by the said first-recited Act it is amongst other things enacted, that no Toll shall be taken, and that no Money arising from Tolls on any Turnpike Roads shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within the Limits of any City or Market or Borough Town for which there shall not be any local Act, and which said Limits shall be fixed and determined, for the Purposes of this Act, with respect to every such City or Market or Borough Town respectively, by the said Commissioners, upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong: And whereas the Limits of the several Cities and Market and Borough Towns which are subject to the Powers and Provisions of the said Act have been fixed and determined by the said Commissioners in the Manner by the said Act prescribed; but it is expedient that Power should be vested in some competent Authority to vary or extend such Limits in any particular Case, from Time to Time, as Circumstances may require; be

be it enacted, That after the Termination of the said Commission it shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, by Order under his Hand, upon the Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong, from Time to Time to vary or extend the Limits which shall have been fixed and determined for the same respectively by the said Commissioners as aforesaid.

Repeal of Part of 7 & 8 Vict. c. 91. s. 52. respecting Toll for passing or repassing through any Gate within a Mile from Boundary of County.

X. 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 be thereafter 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 being 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, nor within One Mile, measured as aforesaid, from the Boundary of such Counties; be it enacted, That so much of the said recited Act as enacts that no such Toll as last mentioned shall be taken for passing or repassing through any Gate or Bar within One Mile, measured as aforesaid, from the Boundary of such Counties, shall be and the same is hereby repealed.

Waggons on Springs not to be liable to Toll as Caravans.

XI. And whereas Doubts have arisen as to the Description of Carriages which may be liable to Toll according to the Provisions of the said recited Act under the Denomination of Caravans; be it enacted, That no Waggon, Wain, Cart, or other such like Carriage shall be liable to Toll as a Caravan by reason of its being constructed on Springs, unless the same shall be customarily employed in the Conveyance of Passengers for Hire.

County Roads Board for Carmarthen may carry out a certain Agreement under 11 G. 4. & 1 W. 4. c. 16.

XII. And whereas under and by virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for inclosing Lands within the several Parishes of* Kidwelly, St. Mary Kidwelly, Saint Ishmael, *and* Pembrey, *in the County of* Carmarthen, a certain Agreement was entered into between the Commissioner for carrying out the said Inclosure and the Trustees of the *Kidwelly* Trust, for constructing a Line of Turnpike Road along a certain Embankment across the *Gwendraeth Fawr* River in the said County: And whereas such Agreement has been only partially carried into effect: And whereas the Act constituting the said *Kidwelly* Trust has been recently repealed under the Powers conferred

by the herein-before first-recited Act: And whereas it is expedient to vest in the County Roads Board of the said County Power to complete and carry out the said Agreement in like Manner as it might have been had the said *Kidwelly* Trust continued to exist; be it therefore enacted, That the said County Roads Board of the said County may, if they shall think it expedient so to do, complete and carry out the said Agreement with the Commissioner acting under the *Kidwelly* Inclosure Act, in like Manner as the Trustees of the *Kidwelly* Turnpike Trust might have done; and that such Road along the said Embankment, when completed, shall become and be a Part of the County Roads of the said County of *Carmarthen*.

County Roads Boards may dispose of their vested Interest in Toll Houses.

XIII. And whereas the carrying into execution the said recited Act will cause several of the Toll Houses now or lately vested in the Trustees of the several Turnpike Trusts in *South Wales* to become useless for the Purpose of Toll Houses: And whereas the pulling down and disposing of the same, according to the Provisions of general Turnpike Acts, would be attended with great Loss to the several Counties in which the same are situate, and many of the said Toll Houses may be disposed of and left standing without Injury to any Parties; be it therefore enacted, That the several County Roads Boards in *South Wales* in whom any Freehold or other Interest in such Toll Houses may have become vested may make sale of or otherwise dispose of such Interest, any thing in the said general Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that the said County Roads Boards, before they shall proceed to dispose of any such Toll House, shall cause their Interest in the same to be valued by some indifferent Surveyor; and in case their Interest in the same shall be any Interest less than Freehold such Interest shall be first offered, at the Price which the said Surveyor shall have put upon the same, to the Person to whom such Freehold shall belong, or if their Interest in the same shall be a Freehold Interest, then to the Owner of the Lands surrounding such Toll House, or to the Lord of the Manor, in case such Toll House shall have been built upon the Waste; and in case any of the said Parties respectively to whom such Right of Pre-emption may belong shall not within One Month after such Offer made consent to purchase the same, or in case such Toll House shall adjoin the Lands of Two or more Owners, or shall not stand upon the Waste of any Manor, then the County Roads Boards may proceed to dispose of the same by Auction, or in such other Manner as they shall deem most expedient.

As to Interpretation of Act.

XIV. And be it enacted, That the Words used in this Act shall be construed according to the same Rules of Interpretation as are prescribed in the said recited Act.

Alteration of Act.

XV. 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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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

1.—A Piece of Road leading out of the present Turnpike Road from Llandowror to Haverfordwest, at or near a Place called Tavernspite, in the County of Pembroke, and joining a certain other Turnpike Road leading from Llandowror to Hobbs Point, at or near a Place called the Red Roses, in the County of Carmarthen.

2.—A Piece of Road lying between Carmarthen Bridge and the Toll Gate now called Pensarn Gate.

3.—A Piece of Road lying between the Northern End of the Bridge over the Towey at or near Llangathen and the main Road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the Road leading from Carmarthen to Lampeter as lies between the main Turnpike Road from Carmarthen to Llandilo and Glangwilly Bridge.

SCHEDULE (B.)

1.—A Portion of the Turnpike Road between the Towns of Brecon and Hay, of the Length of Half a Mile or thereabouts, and lying within the County of Radnor, as Part of the County Roads of the County of Brecknock.

2.—All those Parts of the Turnpike Road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the Counties of Brecknock and Monmouth respectively, as Part of the County Roads of the County of Glamorgan.

3.—Two several Portions of Turnpike Road lying in the County of Hereford, and situate respectively between the Termination of the Mortimer's Cross Trust and New Radnor, and also so much of the Turnpike Road between Knighton and Walton as lies in a certain detached Part of the County of Hereford, as Parts of the County of Radnor.

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