CHAPTER cxxv.

An Act authorising the construction of a Bridge over the River Taff at Cardiff, and of certain approach and other roads in connexion therewith; the levying of tolls; and for other purposes. [4th July 1878.]

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WHEREAS the trade and population of the town of Cardiff, in the county of Glamorgan, have of late years greatly increased, and it would be of public and local advantage if new roads and a new bridge over the River Taff were formed and constructed in the situations and in the manner by this Act prescribed:

And whereas the trustees now acting under trusts created by the will of the late Marquess of Bute, in concurrence with John Patrick Crichton Stuart, the present Marquess of Bute (who is now tenant for life in possession under the said will), are willing at the expense of the estate, subject to the said trusts, to construct the said roads and bridge on being authorised so to do, and having all necessary and proper powers conferred upon them, and it is expedient that they be authorised and empowered accordingly:

And whereas the agreements set forth in the schedule to this Act annexed in relation to the construction, user, and cost of the said roads and bridge have been made, and it is expedient that the same should be confirmed and carried into effect:

And whereas it is expedient that the mayor, aldermen, and burgesses of the borough of Cardiff should be empowered to accept a transfer of the said roads and bridge and to maintain the same, and that for such purposes provisions should be made such as are in this Act contained:

And whereas a plan and sections showing the line and levels of the roads and bridge, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and other property required or which may be taken for the purposes of the said roads and bridge, have

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been deposited with the clerk of the peace for the county of Glamorgan, and are herein-after referred to as the deposited plan, sections, and book of reference:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and 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, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the Cardiff (River Side) Road and Bridge Act, 1878.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act.

Interpretation of terms.

3. In the construction of this Act the following terms shall have the meanings herein-after assigned to them respectively, unless there be something in the subject matter or context repugnant to such construction:

The expressions "the roads," "the bridge," and "the undertaking" mean respectively the roads, the bridge, and the roads, the bridge, and the works connected therewith by this Act authorised:

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Cardiff, acting by the council, as the urban sanitary authority for the borough:

The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such meaning: Provided that for the purposes of this Act the expression "the promoters of the undertaking" in the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be construed to mean the Undertakers as defined by this Act:

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

The expressions "the railway," "the work," and "the centre of the railway" in the provisions of the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, shall be construed to mean the roads or the bridge and the line of road marked on the deposited plan; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or

8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

partially incorporated therewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Undertakers under this Act.

4. The following persons are hereby authorised to carry this Act into execution, and they are herein-after in this Act referred to as "the Undertakers;" (that is to say,) the most Honourable John Patrick Crichton Stuart, Marquess of Bute, his executors, administrators, and assigns, together with John Boyle and William Stuart, the trustees of the term of one thousand five hundred years created by the will of the most Honourable John Crichton Stuart, late Marquess of Bute, and the survivor of them, the said John Boyle and William Stuart, and other the person or persons who from time to time are or is the trustees or trustee of the said term, so long as the said term shall continue, and from and after the determination of that term the person or persons who from time to time is or are under the limitations of the said will of the said late Marquess of Bute entitled in possession to the rents, issues, and profits of the hereditaments thereby devised.

Power for Undertakers to make works.

5. Subject to the provisions of this Act, the Undertakers are hereby (as far as any statutory authority in this behalf is requisite) authorised to make, execute, and maintain on the lands shown on the deposited plan and specified in the deposited book of reference, and as far as the lines and levels of the works are shown on the deposited plan and sections in those lines, and in accordance with those levels, the works by this Act authorised, and for such purpose to enter upon, take, and use such of the said lands as they may require.

The works authorised by this Act include the following; (that is to say,)

A road or street, wholly in the parish of Saint Mary, Cardiff, commencing at a point in Wood Street thirteen and a half chains westward of the west side of Saint Mary Street, and passing thence in a westerly direction to a point on the bank or shore of the River Taff on the eastern side thereof, distant two hundred and eighty feet or thereabouts northwards of the Great Western Railway, and a bridge across that river of five spans, each having a width of forty feet, the centre span having a headway eight feet above the level of high water of ordinary spring tides, the two adjoining spans having each headways seven feet ten inches above the level of high water of ordinary spring tides, and the two outside spans having each

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headways seven feet five inches above the same level, and which bridge will commence on the last-mentioned bank or shore of the River Taff at the before-mentioned point, and terminate on or near to the opposite bank or shore of the said river in the same parish, at or near a point two hundred feet or thereabouts northwards of the Great Western Railway Company's Bridge over the River Taff:

A road or street, partly in the parish of Saint Mary, Cardiff, and partly in the parish of Landaff, on the western side of the River Taff, commencing at the western end of the proposed bridge over that river, and passing thence in a westerly direction and parallel with and on the north side of the Great Western Railway for a distance of seventeen chains or thereabouts, and thence in a north-westerly direction for a distance of thirteen and a half chains or thereabouts, and thence again in a north-westerly direction through lands of or reputed to belong to the Marquess of Bute, situate partly in the parish of Saint Mary, Cardiff, and partly in the parish of Landaff, and terminating by a junction with the high road from Cowbridge to Cardiff on the southern side thereof at a point two hundred feet or thereabouts to the south-west of the south-eastern end of the Cardiff Union Workhouse premises:

A road or street, wholly in the parish of Saint Mary, Cardiff, commencing at or near the point on the last-mentioned road seventeen chains or thereabouts westwards of the western termination of the before-mentioned proposed bridge, and terminating at the boundary between the lands of or reputed to belong to the Marquess of Bute and those of or reputed to belong to the Messieurs Stacey, and at the eastern end of a road now in course of construction through lands of or reputed to belong to the Messieurs Stacey and Wells's Charity, on the north side of the Great Western Railway, and leading to the hamlet of Canton, in the parish of Landaff.

For protection of the Great Western Railway Company.

6. For the protection of the Great Western Railway Company (herein-after called the Great Western Company) the several provisions following shall have full effect:

(*a.*) The bridge over the River Taff by this Act authorised, and the piers and other works thereof or connected therewith, shall be constructed in such a manner and according to such designs as not to injuriously affect or interfere with the bridge and works of the Great Western Company over the River Taff, or to alter the flow of the waters in that river, or otherwise interfere with the river or the waters thereof, so as

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to cause any risk of danger or injury to the bridge, lands, works, or property of the Great Western Company.

(*b.*) In order thereto, the Undertakers shall submit to the Great Western Company's principal engineer proper and sufficient descriptions, plans, sections, and specifications of the said bridge, and the works and conveniences connected therewith, for his consideration and reasonable approval thereof, and, if in any case he does not within one month after the delivery thereof to him approve the same, with such modifications, if any, thereof as he reasonably requires, and sign the same in testimony of his approval thereof, and deliver the same so signed to the engineer of the Undertakers on application made to him for that purpose by such engineer, or if the Undertakers object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer, to be appointed by agreement between the Undertakers and the Great Western Company, or, failing such agreement, by the Board of Trade, for his consideration and reasonable approval, such approval in like manner to be testified by his signature, and the Undertakers shall not begin the execution of any of the works so shown on the respective plans unless and until the same, with the sections and specifications thereof, are so approved, and such reference and such approval shall be at the expense of the Undertakers.

Undertakers to afford facilities for constructing a new road at Cardiff.

7. The Undertakers shall afford to the Great Western Company and the Corporation of Cardiff, or either of them, when required to do so, every facility and assistance, other than pecuniary assistance (unless agreed), for the construction of a new road commencing at the road or street firstly described in this Act, and terminating at or near the present approach to the Cardiff passenger station of the Great Western Railway, or commencing at Eisteddfod Street (which forms a communication with Wood Street), and terminating at or near the said approach to the Cardiff passenger station; and should any lands of the Undertakers be required for either of such roads the same shall be sold by them, or an easement over such lands shall be granted, and the compensation to be paid for such lands or easement shall, if not agreed upon, be settled by arbitration, in the manner provided by the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 18.

Power to take easements, &c.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses

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by agreement.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Undertakers any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

9. The powers of the Undertakers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to deviate.

10. The Undertakers in the construction of the roads, bridge, and works connected therewith may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of deviation marked thereon, and may deviate vertically from the levels thereof shown on the deposited section to any extent not exceeding five feet.

Correction of errors in deposited plans and book of reference.

11. If there be any omission, misstatement, or wrong description of any lands, or the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited book of reference, the Undertakers, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the county of Glamorgan for the correction thereof; and if it appear to the justices that the omission, misstatement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Glamorgan, and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate, and the certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerks respectively with the other documents to which the same relate, and thereupon the deposited plan and book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Undertakers to take the lands and execute the works in accordance therewith.

Period for completion of bridge.

12. If the undertaking be not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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Opening of roads and bridge for public use.

13. On the completion of the roads and the bridge, and the works connected therewith, the same shall be opened and shall thenceforth continue open for public traffic free from the payment of any tolls, but subject to the provisions of this Act.

Confirmation of agreements.

14. The agreements set forth in the schedule to this Act annexed shall be and the same are hereby confirmed, and the same shall respectively be carried into effect accordingly, and a copy of the plans referred to in those agreements (and which plans are identical with each other), signed by the engineer or surveyor of the Undertakers and by the town clerk of Cardiff, with any explanatory matter necessary to elucidate the same, shall, within three months after the passing of this Act, be deposited with the clerk of the peace for the county of Glamorgan, who is hereby required to receive the same, and such deposit shall be deemed to have been made in pursuance of an Act passed in the first year of the reign of Her present Majesty, intituled "An Act to compel "Clerks of the Peace for Counties and other persons to take the "custody of such documents as shall be directed to be deposited "with them under the Standing Orders of either House of Parlia-"ment," and the several provisions of that Act (except so far as the same are inconsistent with this Act) shall form part of this Act.

7 W. 4. and 1 Vict. c. 83.

Restrictions as to use of roads and bridge.

15. No carriage, vehicle, or machine weighing more than fifteen tons, including the loading thereof, and no carriage, vehicle, or machine not constructed or carried on wheels ordinarily used for passage over a common road shall be allowed to come or pass on any of the roads or on the bridge without the special permission of the Undertakers first obtained.

Power to erect weighing machine.

16. It shall be lawful for the Undertakers to cause to be erected at or near the roads or bridge, or at such distance as they shall think most expedient, one or more weighing machines: Provided that the weighing machines be placed in such situations as shall not impede the free passage of persons using the said roads or bridge.

Keeper may weigh carriages, &c.

17. The keeper of any weighing machine or other person appointed by the Undertakers may require every driver or conductor of any carriage, vehicle, or machine which shall come upon or pass along any of the roads or along the bridge, and which he shall suspect to be of greater weight than fifteen tons, including the loading thereof, to be weighed at such weighing machine or at such other weighing machine within the borough of Cardiff as shall be approved by the Undertakers; and if any such driver or conductor refuse to allow the same to be weighed, or resist any such keeper or person in weighing the same, then and in every such case every such

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driver or conductor shall forfeit and pay to the Undertakers any sum not exceeding five pounds.

24 & 25 Vict. c. 70. and 28 & 29 Vict. c. 83. to apply to roads and bridge.

18. The provisions of the Locomotive Act, 1861, and the Locomotives Act, 1865, and of any Act for the time being in force amending the said Acts, shall apply to the roads and the bridge.

For preventing nuisances on the bridge and roads.

19. If any person wilfully or negligently injures, destroys, or otherwise damages, or rides or drives or leads any horse, beast, cattle, or carriage over or upon any footpath or causeway on the side or sides of any part of the roads or bridge, or wilfully obstructs the passage thereof, or if the driver of any carriage or cart wilfully or carelessly breaks or damages any of the posts or stones which may be erected for the security of the said footpaths or causeways, or if any person scrapes off any mud, soil, or other matter or thing which may be or lie upon any part of the roads or bridge so as to damage the roads or bridge or any part thereof, or if any person leaves any carriage or cart, or any plough, harrow, or other implement of husbandry without some reasonable cause, to be allowed by the justice who may hear any such complaint, or except with regard to such carriage or cart during such reasonable time as the same is loading or unloading and standing as near the side of the roads as conveniently may be in, upon, or on the sides of the roads or bridge, either with or without any horse or beast harnessed or yoked thereto, or lays any timber, wood, or bushes, or any stones, bricks, hay, straw, dung, manure, soil, or rubbish whatsoever upon any part of the roads or bridge, or on the side or sides thereof, to the prejudice thereof or to the annoyance of any person travelling thereon, every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings.

24 & 25 Vict. c. 97. to apply to roads, &c.

20. The provisions of the Act passed in the session of Parliament held in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, intituled "An Act to consolidate and "amend the statute law of England and Ireland relating to "malicious injuries to property," shall apply to the roads and bridge and to the weighing machines and other property of the Undertakers.

Recovery and application of penalties, &c. 11 & 12 Vict. c. 43.

21. All offences under this Act, and all penalties and forfeitures, damages, charges, and costs imposed or ordered to be paid or payable under or by virtue of this Act, may be taken cognizance of and dealt with or recovered under the provisions of the Act passed in the session of Parliament held in the 11th and 12th years of the reign of Her present Majesty, intituled "An Act to facilitate the "performance of the duties of Justices of the Peace out of Sessions

" within England and Wales with respect to Summary Convictions " and Orders," and any Act for the time being in force amending the same, and all such penalties shall be paid to the Undertakers. A.D. 1878.

Application of moneys.

22. All moneys received by the Undertakers under the authority of this Act on account of penalties shall from time to time be applied first to the maintenance and repair of the roads, bridge, and other works connected therewith, constructed under the authority of this Act, and the surplus (if any) shall, until the transfer thereof to the Corporation in accordance with the provisions contained in the Agreement Number 3 in the Schedule to this Act annexed, be deemed to be rents payable in respect of the hereditaments comprised in the said term of one thousand five hundred years, and shall be paid, applied, and disposed of in the manner directed in and by the said will of the said late Marquess of Bute of and concerning the rents, issues, and profits of the hereditaments comprised in the said term, and after such transfer the said moneys shall belong to the Corporation and be carried to the credit of the district fund.

Powers of Undertakers exerciseable by Corporation.

23. When and so soon as the undertaking shall have been taken over by the Corporation, the Corporation shall have and may exercise in respect thereof all the then subsisting rights, powers, and authorities conferred on the Undertakers by this Act, and these rights, powers, and authorities shall be in addition to and not in derogation of any rights, powers, or authorities conferred on the Corporation by any other Act of Parliament.

Works below high-water mark not to be executed without consent of Board of Trade.

24. It shall not be lawful for the Undertakers or the Corporation to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade may approve of, such approval being signified as aforesaid; and where any such work or bridge shall have been constructed it shall not be lawful for the Undertakers or Corporation at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such work or bridge shall be commenced or completed contrary to the provisions of this Act it shall be lawful for the said Board of Trade to abate and remove the same,

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and to restore the site thereof to its former condition at the expense and charge of the Undertakers or the Corporation, and the amount of such expense shall be a debt due from the Undertakers or Corporation to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Undertakers or from the Corporation.

Abatement of work abandoned or decayed.

25. If a work constructed by the Undertakers or the Corporation on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition at the expense of the Undertakers or Corporation, and the amount of such expense shall be a debt due from the Undertakers or Corporation to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Undertakers or Corporation.

Survey of work by Board of Trade.

26. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Undertakers or Corporation on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Undertakers or Corporation shall defray the expense of the survey and examination, and the amount thereof shall be a debt from the Undertakers or Corporation to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Undertakers or Corporation.

Saving rights of the Crown in the foreshore.

27. Nothing contained in this Act shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of Crown under 29 & 30 Vict. c. 62. ss. 20–22.

28. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects or any rights, powers, or authorities mentioned in or reserved by sections 20, 21, and 22 of the Crown Lands Act, 1866,

and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. A.D. 1878.

Saving rights of Corporation of Cardiff.

29. Nothing in this Act shall take away, lessen, alter, or prejudice any rights of the Corporation, either as a municipal or urban sanitary authority.

Expenses of Act.

30. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Undertakers.

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THE SCHEDULE.

No. 1.

Memorandum of an Agreement made this 7th day of March, A.D. 1878, between the most Honourable John Patrick Crichton Stuart, Marquess of Bute and Earl of Dumfries, K.T., and John Boyle, of Chancery Lane, London, Esquire, and William Stuart, of Tempsford Hall, in the county of Bedford, Esquire (the said John Boyle and William Stuart being the trustees of the term of fifteen hundred years created by the will of the most Honourable John Crichton Stuart, late Marquess of Bute), of the first or one part, and the Reverend John Thomas Cyril Stacey, of Tockington House, Almondsbury, Clerk in Holy Orders, and Francis Edmund Stacey, of Landough Castle, in the county of Glamorgan, Esquire (herein-after called "the owners"), of the other part.

Whereas the parties hereto of the first or one part (who, together with the executors, administrators, and assigns of the said present Marquess of Bute and the survivor of the said John Boyle and William Stuart, and other the person or persons who from time to time are or is trustees or trustee of the said term, so long as such term shall continue, and after the determination of that term the person or persons who from time to time is or are under the limitations of the said will entitled in possession to the rents and profits of the hereditaments thereby devised, are herein-after called "the Undertakers") are or some or one of them are, under or by virtue of the said will, seised of or entitled to the land, hereditaments, and premises delineated on the plan annexed to these presents and therein coloured pink, or are or is entitled to the receipt of the rents and profits thereof, and the owners are seised of or entitled to the land, hereditaments, and premises delineated on the said plan and therein coloured green, in fee simple in possession as tenants in common:

And whereas the Undertakers, being desirous of improving their land and premises so coloured pink as aforesaid by laying out the same for building and providing better access thereto to and from Cardiff, have introduced a Bill into Parliament for the purpose of authorising them to build a bridge over the River Taff and to make approaches thereto, and the roads No. 1 and 2, also delineated in the said plan, and to levy certain tolls for the use of the bridge and roads:

And whereas a road is now being constructed over the said land coloured green, and also over the land coloured brown on the said plan belonging to Wells's Charity, as appears on that plan:

And whereas the owners, being of opinion that the erection of such a bridge and the making of such approaches and roads would improve the value of their said property, but that the levying of such tolls as aforesaid would be detrimental to the full development of such property as building land, have requested the Undertakers to withdraw the clauses in the said Bill providing for the levying of tolls, which they have agreed to do upon the owners or their representatives paying and securing from time to time such sums of money as are

herein-after mentioned towards recouping the Undertakers for the expense they may incur in the execution of such works, and for giving up such tolls as aforesaid, and it has been also agreed that such mutual rights of way shall be granted as herein-after mentioned over the said road in course of construction as aforesaid or with reference thereto:

Now these presents witness, and it is hereby agreed and declared between the parties hereto, according to their respective interests in the premises, in manner following; (that is to say,)

1. In case the Undertakers shall, as soon as conveniently may be after the proposed Act of Parliament shall come into operation, and as thereby required, erect the said bridge and make the approaches thereto, and the said roads and other works connected therewith, in manner mentioned in the said Bill, and until the Corporation of Cardiff shall take over the bridge and roads and other works, and undertake the maintenance and repair of the same, the Undertakers shall at their own expense maintain and repair the same.

2. The Undertakers, in consideration of the agreement on the part of the owners herein contained, shall withdraw from the said Bill all clauses and provisions relating to the levying of tolls for the use of the said bridge or roads, so that no tolls shall be levied for the use of any of the proposed works.

3. The owners, or their heirs, executors, or administrators, shall pay to the Undertakers the sum of five shillings for every foot of frontage of and on all parts of their land so coloured green on the said plan which may from time to time or at any time or times hereafter be let for building purposes or may be built upon, and which may front on any road or roads which may from time to time be made through, on, or bounding such land or any part thereof, and such several sums shall be considered as accruing due as each plot respectively is let or agreed to be let for building purposes, or is commenced to be built upon, as the case may be, and whichever shall first happen, and shall be payable and actually paid to the Undertakers immediately thereupon, and the Undertakers and every of them and their representatives shall have power to enter upon the said land so coloured green and every part thereof at all times within such period as aforesaid in order to see the state thereof and the building operations thereon, and also to call upon the owners, their heirs and assigns, and every of them, for an account thereof, so as to satisfy this present provision in all respects, and also shall have power to distrain upon such land and the buildings and materials thereon for any sum becoming payable and not paid under this present provision in manner aforesaid, as if the same were a rentcharge legally made payable out of such premises in manner aforesaid, with power of distress, or were rent accrued due under a demise of such land from the Undertakers to the owners or their respective representatives; and the owners agree that they and their representatives shall at any time or times, on being called upon so to do, grant such rentcharge upon and out of the same premises with such power of distress accordingly to the Undertakers as they shall reasonably require, and at the joint expense of the parties, and further that the owners or their representatives will not part with any portion of such premises, either by way of lease or sale, without paying such sum for frontage in respect of any part thereof so leased, or making the same premises so sold, and in respect of which no such payment shall have been made, subject to such payment in manner herein-before provided.

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4. After the completion of the said road so in construction as aforesaid, and until the same shall be taken over as a public road, the owners, their heirs or assigns, will, on being called upon so to do, grant to the Undertakers, their heirs and assigns, and their tenants and all persons authorised by them at their expense, and they respectively shall have at all times the right of passing over such part of the same road as shall be constructed upon the said land so coloured green as aforesaid, either with or without horses or other animals, and with every description of vehicle whatsoever; and the Undertakers, their heirs and assigns, shall grant to the owners, their heirs and assigns, at their request and expense, and they and their tenants and all persons authorised by them and every of them shall have a similar right of passing over the said bridge and road as and when and if the same shall be constructed as aforesaid, and under the said proposed Act, and so as to connect the said two several pieces of land coloured green on the said plan, and so belonging to the owners aforesaid (the consent of the owners of the said land coloured brown on the said plan having been first obtained), with the said land coloured pink on the said plan, and so belonging to the Undertakers as aforesaid, and the same bridge and road respectively.

As witness the hands of the parties hereto the day and year first above written.

Witness to the signatures of the above-named Marquess of Bute, John Boyle, and William Stuart, W. Charles Luard, Cardiff.	Bute and Dumfries. John Boyle. William Stuart.
Witness to the signature of the above-named John Thomas Cyril Stacey, Alfred Slawson, Butler, Tockington House.	J. T. Cyril Stacey.
Witness to the signature of the above-named Francis Edmund Stacey, A. P. Traherne, J.P. for Glamorganshire.	F. E. Stacey.

No. 2.

Memorandum of an Agreement made this nineteenth day of April, A.D.1878, between William Bird, of Southerndown, in the county of Glamorgan, Esquire, and William Towgood, of Wrington, in the county of Somerset, Esquire, formerly aldermen of the borough of Cardiff, in the county of Glamorgan, and as such the sole surviving trustees of a certain charity founded in Cardiff by Cradock Wells, and known as Wells's Charity, herein-after called "the trustees," and the mayor, aldermen, and burgesses of the said borough of Cardiff, herein-after called "the Corporation," of the one part, and the Reverend John Thomas Cyril Stacey, of Tockington

House, Almondsbury, Clerk in Holy Orders, and Francis Edmund Stacey, of Landough Castle, in the county of Glamorgan, Esquire, herein-after called "the owners," of the other part. A.D. 1878.

Whereas a Bill has been introduced into Parliament by the Marquess of Bute and the trustees under the will of the late Marquess of Bute, his father, for the purpose of authorising them to build a bridge over the River Taff, and to make the approaches thereto, and the roads numbered 1 and 2 delineated in the plan annexed to these presents:

And whereas the land and premises delineated on the said plan and therein coloured brown form part of the lands belonging to the said charity, and the aldermen of the said borough have power to submit to the Charity Commissioners for England and Wales a scheme for the regulation of the charity and the management of its estates, and in exercise of such power the aldermen have applied to the commissioners for a new scheme, which has not yet been framed:

And whereas the owners are seised of or entitled to in fee simple in possession as tenants in common the land and premises delineated in the said plan and therein coloured green:

And whereas a road is being constructed through the said lands coloured green and brown in manner delineated in the said plan, and therein indicated by red lines and marked "road in course of construction," so as to open communication between those lands and the town of Cardiff and roads leading thereto by means of the said bridge and road proposed to be made by the said Bill:

And whereas the Corporation, acting as the urban authority of the said borough of Cardiff, have at their own costs constructed and completed a main or trunk sewer through the said lands coloured green and brown and along the centre of the said road in course of construction, and prior to the construction of the said sewer it was agreed that the same when completed should be deemed a public sewer, and should form the centre of a public street, which, when laid out, should be not less than forty feet wide through its entire length, and with free passage over the same:

And whereas it is intended that the said road in course of construction shall eventually be taken over by the Corporation as a public road, and it has been arranged that such agreement shall be entered into as to the user and repair of that road in the meantime between the trustees and the Corporation and the owners as is herein-after contained:

Now these presents witness, and it is hereby agreed and declared between the trustees and the Corporation, so far as they respectively can or may, on the one hand, and the said owners on the other hand, according to their respective interests in the premises, in manner following; (that is to say,)

1. Until the said road in course of construction shall be taken over by the Corporation as a public road after completion thereof, the trustees or the Corporation shall maintain and keep in repair such part of the said road as shall be constructed upon the land belonging to the said charity and coloured brown as aforesaid, and the owners shall maintain and keep in repair such part of the said road as shall be constructed upon the land belonging to them and coloured green as aforesaid.

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2. From and after the completion of the said road, and until the same shall be so taken over as aforesaid, the owners, their heirs, tenants, and assigns, and all other persons shall have at all times the right of passing over such part of the said road as shall be constructed upon the said land coloured brown as aforesaid, either with or without horses or other animals, and with every description of vehicle whatsoever, and the trustees or Corporation, their tenants and assigns, and all other persons shall have a similar right of passing over such part of the said road as shall be constructed upon the said land so coloured green as aforesaid.

In witness whereof the said William Bird, William Towgood, John Thomas Cyril Stacey, and Francis Edmund Stacey have hereunto set their hands, and the said mayor, aldermen, and burgesses have caused their corporate seal to be hereunto affixed, the day and year first above written.

William Bird.
William Towgood.
J. T. Cyril Stacey.
F. E. Stacey.

Cardif Villa,
L.S.

No. 3.

Articles of an Agreement made this nineteenth day of April in the year of our Lord 1878, between the most Honourable John Patrick Crichton Stuart, Marquess of Bute and Earl of Dumfries, K.T., and John Boyle, of 63, Chancery Lane, London, Esquire, and William Stuart, of Tempsford Hall, in the county of Bedford, Esquire (the said John Boyle and William Stuart being trustees of the term of 1,500 years created by the will of the most Honourable John Crichton Stuart, late Marquess of Bute), of the first part, the mayor, aldermen, and burgesses of the borough of Cardiff, in the county of Glamorgan (herein-after called "the Corporation," and acting herein by virtue and in execution of every or any Act of Parliament or other authority enabling them in this behalf), of the second part, and William Bird, of Southerndown, in the county of Glamorgan aforesaid, Esquire, and William Towgood, of Wrington, in the county of Somerset, Esquire, formerly two of the aldermen of the said borough, and as such the sole surviving trustees of the charity in Cardiff aforesaid founded by Cradock Wells, and known as Wells's Charity, of the third part.

Whereas the parties hereto of the first part (who, together with the executors, administrators, and assigns of the said present Marquess of Bute, and the survivor of the said John Boyle and William Stuart, and other the person or persons who from time to time are or is the trustees or trustee of the said term, so long as such term shall continue, and after the determination of that term the

person or persons who from time to time is or are under the limitations of the said will entitled in possession to the rents and profits of the hereditaments thereby devised, are herein-after called "the Undertakers") are or some or one of them is, under or by virtue of the said will of the said late Marquess of Bute, seised of or entitled to the hereditaments and premises delineated on the plan annexed to these presents and therein coloured pink, or are or is entitled to receive the rents and profits thereof:

And whereas the hereditaments and premises delineated on the said plan and therein coloured brown form part of the lands belonging to Wells's Charity, for which the aldermen of the said borough are empowered by Act of Parliament to apply for a scheme to the Charity Commissioners for England and Wales:

And whereas the Undertakers, being desirous of improving their said hereditaments and premises so coloured pink as aforesaid, by laying out the same for building and providing better access with respect to the same from and to Cardiff, have introduced a Bill into Parliament in the present session for the purpose of authorising them to build the bridge over the River Taff and to make the approaches thereto, and the roads Nos. 1 and 2, also delineated on such plan, and to levy certain tolls for the use of such bridge and roads:

And whereas a road is also in course of construction over the land coloured brown on the said plan, and forming part of the estate of Wells's Charity, and also over two several pieces of land coloured green on the said plan and belonging to the Messieurs Stacey, and such road, which is shown on the said plan and marked thereon "road in course of construction," is intended to be in connexion with the road No. 2, and thereby to be in connexion with the road No. 1 and the said bridge:

And whereas it is intended that the said road in course of construction shall eventually be taken over by the Corporation as a public road, and the Corporation have made arrangements with the said Messieurs Stacey and the trustees of the said charity for the user of the same road by the public in the meantime and as soon as the same shall have been completed:

And whereas the Corporation, being of opinion that the erection of such a bridge and the approaches thereto, and the making of such roads as aforesaid, would improve the value of the said lands belonging to Wells's Charity, and would also add considerably to the rateable value of the lands within and the means of communication into and from the borough, but that the levying of such tolls as aforesaid would be detrimental to the interests of the borough, have requested the Undertakers to withdraw the clauses in the Bill providing for the levying of tolls, which they have arranged to do upon the Corporation entering into the agreement herein-after on their part contained for payment immediately after the completion of the bridge and of the roads Nos. 1 and 2, in manner herein-after mentioned, of the sum of two thousand pounds towards recouping the Undertakers the expense they may incur in the execution of such works, and such arrangement was sanctioned by a resolution passed at a meeting of the council of the Corporation held on the 6th day of February 1878, and it was also part of such arrangement that such right of way should be granted as herein-after contained:

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Now these presents witness, and it is hereby mutually agreed and declared between and by the parties hereto of the first and second parts, according to their respective interests in the premises, in the manner following; (that is to say,)

1. In case the Undertakers shall, as soon as conveniently may be after the said Bill shall become an Act of Parliament and come into operation with reference thereto, and within the time thereby limited for that purpose, erect the bridge and make the approaches thereto, and roads and other works connected therewith, in manner mentioned in the said Bill, the Corporation shall, if required so to do by the Undertakers, take over the bridge, approaches, roads, and other works to be authorised by the said Act, and undertake thenceforth the maintenance and repair of the same, and the Undertakers shall at their own expense maintain and repair the same in the meantime, and the Undertakers, in consideration of the agreement herein on the part of the Corporation contained, shall withdraw from the said Bill all clauses and provisions relating to the levying of tolls for the use of the said bridge, approaches, or roads, so that no tolls shall be levied for the use of any of the said proposed works, and the Corporation shall, within one calendar month after the completion of the said bridge, approaches, roads, and other works to the satisfaction of the engineer of the said Corporation, and after such completion shall be certified to them by the engineer of the Undertakers, pay to the Undertakers, or any or either of them then in existence, and for the purposes aforesaid, the sum of two thousand pounds with interest thereon until payment at the rate of five pounds per cent. per annum from the day of delivery of such certificate of completion.

2. In all leases and agreements for leases to be granted by the Undertakers of any land fronting or abutting upon any of the said roads, there shall be inserted a covenant, clause, or provision for payment by the lessees to the lessors of a sum of money calculated at the rate of ten shillings for every lineal foot, and so in proportion for a fractional part of frontage to any of the said roads for or in respect of the works authorised by section 150 of the Public Health Act, 1875; and in case the Undertakers shall require the Corporation to take over the said roads as aforesaid, all moneys to become payable under or by virtue of the said covenant, clause, or provision shall, upon the receipt thereof by the lessors, be by them paid to the Corporation for the purpose of defraying the expense of the works contemplated by the said 150th section of the Public Health Act, 1875, and performed by the Corporation, or of recouping to the Corporation any such expense that may have been incurred by them.

3. From and after the completion of the said bridge, approaches, and roads respectively as aforesaid, the same respectively shall be deemed to be a public bridge and public roads, and shall be used and enjoyed accordingly, and the public shall at all times have free passage over the same and every of them for all usual and reasonable purposes, and for ever thereafter, but in the manner and subject to the restrictions imposed on the user thereof by the said Bill, so far as the same shall be embodied in the Act of Parliament when passed and as founded on the said Bill.

And the Corporation and the said William Bird and William Towgood according to their interests respectively in the premises, and so far as they

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respectively can or may do, hereby respectively agree with the Undertakers that at the same time as last aforesaid they will grant to or for the Undertakers and the land coloured pink on the said plan, and the party or parties then representing or entitled to the same, and all other persons, a right of way for all purposes over the land coloured brown on the said plan along the whole course of the road so in course of construction on that land as appears by the said plan.

In witness whereof the parties hereto of the first and third parts have hereunto set their hands, and the said mayor, aldermen, and burgesses have caused their corporate seal to be hereunto affixed, the day and year first above written.

Bute and Dumfries.
John Boyle.
William Stuart.

Cardif Villa,
L.S.

William Bird.
William Towgood.

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