ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cxxx.

An Act to amend "The *Wem* and *Bronygarth* Roads Act, 1860," and to confer further Powers in relation to the said Roads. [7th *July* 1862.]

WHEREAS an Act was passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for more effectually repairing the Road* 19 & 20 Vict. c. ciii.
leading from Wem *to the Lime Rocks at* Bronygarth *in the County of* Salop, *and for making several Lines of Road connected with the same in the Counties of* Salop *and* Denbigh: And whereas the said Act was repealed by another Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An* 23 & 24 Vict. c. viii.
Act for more effectually repairing the Road leading from Wem *to the Lime Rocks at* Bronygarth *in the County of* Salop, *and for making several Lines of Road connected with the same in the Counties of* Salop *and* Denbigh; and by the said last-recited Act, which is in the Preamble to this Act referred to as "the said Act," the Trustees thereby appointed were authorized, for and during the Term of Twenty-one Years from and after the passing of the said Act, to put the same in execution for the Purpose of improving and keeping in repair certain Roads therein mentioned (and which were thereby constituted "the First District"), and

also of making, completing, and maintaining certain other Roads also therein mentioned (and thereby constituted "the Second District"), and to levy Tolls on all the said Roads respectively: And whereas in the Preamble of the said Act it is amongst other things recited that the estimated Expense of making and maintaining the Roads proposed to be thereby authorized other than certain Roads (being the Roads Numbers Three and Five of the Second District) which it was thereby provided should be made only in the event of the Funds for making and also maintaining the same being separately and specially provided for, was the Sum of Six thousand Pounds; and that certain Persons named in the Schedule (A.) to the said Act annexed were willing and had offered to the said Trustees to subscribe and contribute the Sums respectively set opposite to their Names in the said Schedule, making together the Sum of Two thousand five hundred and fifty-five Pounds, towards making and completing the said Roads, upon Condition that Interest, at the Rate of Four *per Centum per Annum* upon the Sums to be so subscribed and contributed by them, should be paid out of the Tolls by the said Act authorized to be taken upon such Roads preferably to the Payment of Interest on any further Sums to be raised by the Trustees for the Purposes of the said Act, and that other Persons might also be willing to subscribe further Sums on the same Conditions: And whereas it was in the said Preamble further recited that the *Cambrian* Slate Company (Limited), who were (and who still are) interested in extensive Slate Quarries situate at *Chwarel Ucha* in the Parish of *Llansaintffraid-Glyn-Ceiriog* in the County of *Denbigh*, worked by them, and which will be accommodated by some of the Roads authorized by the said Act (being Part of the Roads thereby constituted the Second District), were willing and had offered to the said Trustees to provide One Half of the necessary Funds for completing the said Roads, and to allow to the Subscribers of the said Sum of Two thousand five hundred and fifty-five Pounds a Preference and Priority in the Payment of Interest upon the said Sum, but upon Condition that Interest at the Rate of Five Pounds *per Centum per Annum* on the Sum to be subscribed by the said Company should be paid out of the Tolls and other Revenue of the same Roads as in the said Act provided, and that such Lease should be granted to them as was therein-after mentioned before Payment of their Subscription should be called for: And whereas by Section Thirty-one of the said Act the Trustees were authorized, in consideration of the Sum agreed to be advanced and subscribed by the said Company as aforesaid, and prior to calling upon the said Company for Payment of the Monies agreed to be subscribed by them as aforesaid or any Part thereof, if and when thereto required, to grant a Lease or Leases to such Company of the several Roads constituting the Second District under the said Act, or of any Portion thereof required by the said Company, for a Period not exceeding the Term created by the said Act, upon such Terms and Conditions or for such Consideration and subject to such

Provisions as had been or might be agreed upon: And whereas by Section Thirty-seven of the said Act the Maintenance and Repairs of the Road Number Two of the Second District were made chargeable on the Revenue of the First District: And whereas in pursuance of the said Power the said Trustees granted to the said Company a Lease of the several Roads Numbers One and Four of those constituting the Second District as aforesaid, which Lease is dated the Thirteenth Day of *April* One thousand eight hundred and sixty, at an annual Rent of such a gross and aggregate Sum of Money as shall be sufficient to pay the Salaries, Costs, Interest, Sinking Fund, Repairs, and other Charges provided for by the Thirty-ninth Section of the said Act, and which Rent the said Company thereby covenanted and are still liable to pay: And whereas the said Company contributed and have paid to the Trustees for the Purposes of the said Act the Sum of Three thousand Pounds, being the whole of their Subscription, and One Half of the Funds estimated at the Time the said Act was passed to have been necessary for completing the said Roads; but the other Subscribers named in the Schedule to the said Act, instead of contributing and paying the said Sum of Two thousand five hundred and fifty-five Pounds, have only contributed and paid in all the Sum of One thousand two hundred and sixty-two Pounds Ten Shillings: And whereas the Costs and Expenses of obtaining the said Act and of carrying the same into effect have exceeded the Amounts at which the same were estimated when the said Act was obtained: And whereas the Trustees proceeded under the Powers of the said Act to acquire the Land for the new Roads thereby authorized, and constituting the Second District (other than Roads Numbers Three and Five thereof), and to make the same; and they have, in so doing, and in partially defraying the Expenses of obtaining the said Act, and in carrying into effect the other Purposes thereof, expended the whole Sums of Money received by them from the said Company and from the other Subscribers; but by reason of their having failed to obtain the Contributions originally promised or other or further Contributions from the Public for the Purpose, they have been unable to complete the said new Roads, and the Works necessary for that Purpose have been suspended for more than a Year, and the Trustees are wholly unable to obtain Funds to enable them to proceed with the same: And whereas the present Communication between the Roads of the Second District and the *Great Western* Railway (which is the Railway on which the District depends for its Railway Communications with the rest of the Kingdom) is very inconvenient and circuitous, and it is therefore expedient that the new Road herein-after described should be authorized, so as to connect the said Roads with the said Railway at the *Chirk* Station thereon, which is a First-class Station: And whereas the estimated Cost of such new Road is Two hundred and four Pounds: And whereas the said Company have, under the Circumstances before set forth, consented and agreed that the said Lease should be abrogated

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and annulled; and they have also consented that the Rate of Interest payable to them in respect of the Monies already advanced by them as aforesaid, or to be hereafter advanced by them under the Powers of the said recited Act or of this Act, shall be Four Pounds *per Centum per Annum*, with the view of enabling the Trustees to borrow the Funds necessary to complete the Roads already authorized (other than the Roads Numbers Three and Five of the Second District), and to construct the said proposed new Road: And whereas it is expedient that the said Lease should be annulled, and that the Trustees and the Company should be released and discharged from the whole Covenants, Conditions, and Obligations thereof, and from all other Covenants, Agreements, and Undertakings respectively entered into and made between them in regard to the Matters aforesaid: And whereas for effecting the Objects aforesaid it is expedient that further Powers should be granted to the said Trustees; but this cannot be done 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 whatever as "The *Wem* and *Bronygarth* Roads Act, 1862."

Construction of Terms.

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expressions "the recited Act" and "the said recited Act" shall mean "The *Wem* and *Bronygarth* Roads Act, 1860."

The Expression "the Trustees" shall mean the Trustees for the Time being for executing "The *Wem* and *Bronygarth* Roads Act, 1860," and this Act:

The Expression "the Company" or "the said Company" shall mean the *Cambrian* Slate Company (Limited):

The Expression "the Roads" shall mean the Roads authorized by the recited Act and this Act:

The Word "Turnpike" shall include Toll Gate, Side Bar, Toll House, Bar, and Chain.

New Road to be made according to deposited Plans.

3. And whereas a Plan and Section of the new Road herein-after described, together with a Book of Reference thereto, were deposited at the Office of the Clerk of the Peace for the County of *Denbigh* on or before the Thirtieth Day of *November* One thousand eight hundred and sixty-one: The Trustees may make, complete, and maintain such new Road as is herein-after described in the Line and in and through the Lands delineated on such Plan and described in such Book of Reference respectively,

respectively, and according to the Levels shown upon such Section, together with all such Footpaths, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid or any of them they may take possession of the Lands described on such Plan and in such Book of Reference, making Satisfaction to the Owners thereof and other Persons interested therein for all Damage which such Owners or other Persons may respectively sustain thereby, and the Trustees and their Surveyor and Workmen may from Time to Time enter upon such Lands, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they may think necessary or expedient.

Description of new Road.

4. The Road by this Act authorized to be so made and completed and afterwards maintained shall form a Part of and be henceforth numbered Six of "the Second District" of Roads constituted by "The *Wem* and *Bronygarth* Roads Act, 1860," and the said Road is as follows; (that is to say,)

A Road commencing near the *Chirk* Station of the *Great Western* Railway in the Parish of *Chirk*, at the Northern Fence or Side of the Highway leading from the Village of *Chirk* to and past such Station, and terminating by a Junction with the Road Number One of the Second District authorized by the said Act, at its Terminus near the Point where the *Great Western* Railway intersects the same Road Number One, which intended new Road will be wholly in the Township of *Chirk* in the Parish of *Chirk* and County of *Denbigh*.

Power to deviate from Plan.

5. The Trustees may in the Construction of the new Road by this Act authorized deviate from the Line thereof to the Extent delineated upon the said deposited Plan, but not to any greater Extent than Ten Yards from such Line, nor into any Lands not described in the Plan or the Book of Reference, without the Consent in Writing of the Owner and Occupier of such Lands, and no Deviation shall be made from the Line of the said Works where no Limits of Deviation are shown on such Plan.

Power to deviate from Levels on Sections.

6. The Trustees may deviate from the Levels of the said new Road, as marked on such Section, to any Extent not exceeding Three Feet.

Land may be taken, notwithstanding Errors in Book of Reference, &c.

7. The Works by this Act authorized may be made in or through any Land delineated on such Plan, although such Land or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in such Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Denbigh* in Petty Sessions assembled, and be certified in Writing under their Hands, that such

Omission, Mis-statement, or erroneous Description proceeded from Mistake, and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County for the Time being.

8 & 9 Vict. c. 18. not to apply.

8. "The Lands Clauses Consolidation Act, 1845," shall not apply to the Works by this Act authorized, nor is it incorporated with this Act.

As to Construction of certain Provisions of General Turnpike Acts.

9. All the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England* with respect to the taking, Purchase, and Sale of Lands for the Purpose of widening, diverting, altering, or improving any Road, the Conveyances of such Lands, the Compensation to be made for the same, the Application of such Compensation and the making out of Titles thereto (except where such Clauses and Provisions are inconsistent with this Act), shall extend and apply to the Land to be purchased for the Purposes of this Act.

Freehold, &c. of Land to remain in Owners of adjoining Land.

10. The Freehold and Inheritance in the Land so purchased shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*), by means of any such Purchase or any Conveyance or Assurance made in pursuance thereof, be vested in the Trustees, but such Freehold and Inheritance shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Owners for the Time being of the adjoining Land from which the same shall have been taken, subject to a perpetual Right of Way, for all Purposes not inconsistent with the free and uninterrupted Use of the said Roads over or upon the Land so purchased.

Trustees to have Power of digging and using Land, &c.

11. The Trustees shall have the same Rights and Powers of digging, cutting, and using the Land taken by them for the Purposes of this Act or of building any Arch thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Land.

Powers for compulsory Purchases limited.

12. The Powers of the Trustees for the compulsory Purchase of Land for the Purposes by this Act authorized shall not be exercised after the Expiration of Two Years from the Commencement of this Act.

Period for Completion of Works.

13. The Works for making the Roads authorized by the said Act and the new Road by this Act authorized may be completed within Three Years from the Commencement in operation of this Act, and at the Expiration of that Period the Powers by the recited Act and this Act given for executing the same shall cease to be exercised.

14. The

Tolls to be taken during Term of Act.

14. The Tolls by the recited Act authorized to be demanded and taken by the Trustees or their Collectors or Collector may be demanded and taken by them during the Continuance in operation of this Act, anything in the recited Act to the contrary notwithstanding.

Trustees may borrow a further Sum of Money on Credit of Tolls of Second District.

15. In addition to the Sum of Seven thousand Pounds which the Trustees are authorized by "The *Wem* and *Bronygarth* Roads Act, 1860," to borrow and take up at Interest on the Credit of the Tolls and Revenue to arise from the Second District thereby created, the Trustees may borrow for the Purposes of the said recited Act and of this Act any Sum of Money not exceeding the Sum of Six thousand Pounds, and the whole Sums of Money so borrowed under the Powers of the said Act or of this Act shall be applied to the Purposes aforesaid, and to no other.

Application of Money to be borrowed on the Second District.

16. Notwithstanding anything in the recited Act contained, the Money which the Trustees may hereafter borrow and take up at Interest upon the Credit of the Tolls and Revenues of the said Second District, under the Provisions of the said recited Act or of this Act, shall be applied as follows:

Firstly, in defraying the Charges and Expenses of and incident to the passing of the recited Act and of this Act:

Secondly, in the Purchase of Land for and in making and completing the several new Lines of Road by the recited Act and by this Act authorized to be made and completed (other than the said Roads numbered Three and Five of the Second District), in fencing off such Lines of Road respectively, and in erecting and providing Toll Houses and Turnpikes, Milestones and Finger Posts, with the necessary Appurtenances to the same on such Lines of Road.

Application of Revenue of Second District.

17. All Tolls and Revenues which shall be received by the Trustees by virtue of the recited Act or of this Act from the Roads forming the Second District, shall be applied as follows; (that is to say,)

Firstly, in the Expenses of Management, Salaries of Officers (not including the Salaries of Toll Collectors or the Cost of prosecuting or defending Actions at Law or Indictments, or of Proceedings before Magistrates) to an Amount not exceeding the Sum of Fifty Pounds *per Annum:*

Secondly, in repairing and maintaining the Roads forming the Second District, other than the Roads numbered Two, Three, and Five of such District:

Thirdly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* on the Sums which have been already subscribed and contributed by way of Loan as aforesaid for the Purposes of the said recited Act, or which may hereafter be subscribed and contributed by way of Loan for the Purposes of the said recited Act or

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of this Act, not exceeding in all the Sums thereby respectively authorized to be borrowed, or such Portion thereof as shall for the Time being be due and owing on the Credit of the Tolls of the Second District, or other Revenue of the said Trustees derived from the said Second District, such Interest being paid to and amongst the Persons or Company entitled to such Sums in proportion to the Amount of their respective Claims, and without any Preference or Priority the one over the others or other of them:

Fourthly, in setting apart and applying a Sinking Fund of Three Pounds Ten Shillings *per Centum per Annum* on the whole Sum borrowed on the Credit of the Tolls or other Revenue of the said Second District:

Fifthly, in further improving the said Roads other than as aforesaid.

Interest to be paid out of Revenues of each Year.

18. Provided always, That the Interest upon the Monies borrowed or to be borrowed by the Trustees shall be paid yearly out of the Revenues received by the Trustees for the Year immediately preceding in so far as such Revenues are sufficient for the Purpose, but in the event of such Revenues not being sufficient the same shall be apportioned and paid over to the Persons or Company entitled to the Principal Sum so borrowed, rateably and in proportion to the Amounts of the Sums for the Time due and owing to them, and the Deficiency, if any, shall not be paid or payable wholly or in part out of the Revenues of any subsequent Year.

Arrears of Interest extinguished.

19. All Arrears of Interest due in respect of Monies already borrowed on the Security of the Tolls of the Second District by the Trustees under the Powers of the recited Act shall be and the same are hereby extinguished.

As to Mode of discharging Debt.

20. When and so often as any Monies applicable to the Discharge of any Principal Monies for the Time being due on the Credit of any Tolls or Revenues arising under the recited Act or this Act shall amount to the Sum of One hundred Pounds, the Trustees shall apply such Sum in the Payment of a proportionate Part of such Principal Monies to the Persons or Company entitled thereto in priority as aforesaid, in the Manner and subject to all the Directions and Provisions prescribed and contained in the Thirty-ninth Section of the said recited Act, in respect to Monies applicable to the Discharge of any Principal Monies for the Time being due on the Tolls or Revenues arising under the said Act.

Sect. 40. of recited Act to extend to Mortgages under this Act.

21. The Provisions of the Fortieth Section of the said recited Act shall extend and apply to all Mortgages to be granted by the Trustees in pursuance of this Act.

22. It

When Turnpikes shall be erected.

22. It shall not be lawful for the Trustees, otherwise than with the Consent of Her Majesty's Secretary of State for the Home Department for the Time being, to erect any Turnpike upon the Road Number Six, or upon either of the Roads Numbers One and Four of the Second District, other than at the Places following; that is to say, at or near the *New Inn* in the Parish of *Llansaintfraid Glyn Ceiriog;* at or near the Point of Junction of the Roads Numbers One and Two of the Second District in the Parish of *Llangollen*, and at or near *Castle Mill* near the Boundary between the Parishes of *Chirk* and *Llangollen;* provided nevertheless, that the Trustees may erect such Side Bars on the said Roads other than the Road Number Six as they may deem necessary.

Agreement between R. M. Biddulph, Esq. and the Cambrian Slate Company annulled.

23. From and after the passing of this Act the Agreement between *Robert Myddelton Biddulph* Esquire of the one Part, and the *Cambrian* Slate Company (Limited) of the other Part, and dated the Sixth Day of *March* One thousand eight hundred and sixty, shall be and the same is hereby annulled.

Provision for shutting up disused Portion of Road.

24. Whereas the making of the new Road hereby authorized, which will pass entirely through the Lands of *Robert Myddelton Biddulph* of *Chirk Castle* Esquire, will render unnecessary the Portion of a Road leading from the Cross in *Oswestry* through the *Willow Street*, then over *Pontfaen* to *Pont Cysylltau*, which lies between *Pontfaen Bridge* and the *Chirk* Entrance to *Chirk Castle* Park (being the Portion of such Road which is mentioned in Section Fifteen of the recited Act), and it may upon the making of the said new Road become desirable that the said Portion of Road should be stopped up: Therefore, in case the said *Robert Myddelton Biddulph*, or other the Owner of the Land required for the Construction of the new Road hereby authorized, shall accept from the Trustees the Sum of Seventy-five Pounds for the Purchase of such Land, the Trustees are hereby authorized thereupon, by Notice under the Hand of their Clerk in some Newspaper published in the County of *Salop* or *Denbigh*, to declare the before-mentioned Portion of the said Road between *Oswestry* and *Pont Cysylltau* to be thereupon and thenceforth stopped up, and the same shall thereupon be and become the sole and exclusive Property of the said *Robert Myddelton Biddulph* or other Owner as aforesaid, discharged from all Rights of Way over the same.

Lease to Cambrian Company annulled.

25. From and after the passing of this Act the Lease to the Company dated the Thirteenth Day of *April* One thousand eight hundred and sixty, herein-before referred to, and every Covenant, Clause, Matter, and Thing therein and in the Counterpart thereof contained, and every other Agreement, Contract, Engagement, and Undertaking existing between the Trustees and the Company in relation to the said Lease and Counterpart or the said Roads, shall be and the same respectively are hereby abrogated and annulled and made absolutely void, and shall

cease to have any legal Operation or Effect whatsoever: Provided always, that save as by this Act provided, nothing herein contained shall affect any Mortgages (or Right to have Mortgages) upon the Tolls or Revenues of the Second District to which the Company are now entitled in respect of the Three thousand Pounds already advanced by them as aforesaid.

Trustees Resolve may narrow Roads within One Year.

26. The Trustees may at any Time within One Year after the passing of this Act resolve and declare that the Width of any Road, or Part or Parts of any Road, comprised in the Second District, shall not exceed in the whole Twenty Feet, and may give a supplemental Notice to that Effect to any Owner or Occupier of Land to or on whom a Notice may have been originally given or served by the Trustees of their Intention to take Land of a greater Width, and upon giving such supplemental Notice the Trustees shall not be bound to purchase and take, under or by virtue of such original Notice, any greater Quantity of Land than may be necessary to enable them to make or maintain the said Road or Portion of Road in the Manner so resolved upon: Provided always, that the Trustees shall in such Cases be liable to make to such Owners or Occupiers Compensation for any Damage or Injury sustained by them respectively by reason of a smaller Quantity of their Land being taken by the Trustees than was specified in such original Notice, such Compensation to be ascertained and applied under the Provisions of the Acts in force relating to Turnpike Roads in *England*, applicable to the Case of Lands taken for the Purposes of such Roads.

Roads not exempt from Provisions of General Acts.

27. Nothing in this Act contained shall exempt the Roads comprised in the recited Act or this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

28. This Act shall commence on the Day of the passing thereof, and the recited Act and this Act shall be read together as One Act, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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