ANNO DECIMO NONO & VICESIMO

# VICTORIÆ REGINÆ.

## *Cap.* xcvii.

**An Act for making and maintaining a Turnpike Road from *Conway* to *Llandudno* in the County of *Carnarvon*, and for other Purposes.**

[14th *July* 1856.]

WHEREAS the Formation and Maintenance of a Turnpike Road from *Conway*, by *Eglwys Rhos*, to *Llandudno* in the County of *Carnarvon* would be of great public Advantage: And whereas certain of the Roads or Highways in the Line of the said intended Road, or Portions thereof, might advantageously be made available for the Purposes of such Road; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Conway and Llandudno* Turnpike Road Act, 1856." Short Title.

Style of the Trust.

II. That the Road comprised in this Act shall be called "The *Conway and Llandudno* Turnpike Road," and the Trustees for executing this Act shall be styled "the Trustees of the *Conway and Llandudno* Turnpike Road."

Interpretation of Terms.

III. That 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 Expression "the Trustees" shall mean the Trustees for the Time being acting in execution of this Act:

The Expression "the Road" shall comprise the Road or Roads to be respectively made, widened, altered, improved, and maintained under the Powers of this Act:

The Expression "Toll Gates" shall include all Turnpike Bars, Chains, and Side Gates for the Time being erected or continued by the Trustees on and by the Side of the Roads:

The Word "Person" shall include Corporation:

The Word "Land" shall include Messuages, Tenements, and Hereditaments of any Tenure.

Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Carnarvon*, together with the Honourable *Thomas Price Lloyd*, Colonel *Thomas Peers Williams*, *John Lloyd Jones* Esquire, *Edward Moore* Esquire, *Llewellyn Falkner Lloyd* Esquire, the Reverend *Edward Thomas Evans* Clerk, *Robert Wynne Williams* Esquire, *Henry Seymour Westmacott* Esquire, *Andrew Scholefield* Esquire, *Edwin Gwyther* Esquire, *William Warden* Esquire, *John Hill* Esquire, *W. F. Chapman* Esquire, and *William Taylor* Esquire, shall be and they are hereby nominated and appointed Trustees for the Purposes of this Act.

Power to elect additional Trustees.

V. That it shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Quorum of Trustees.

VI. That the Quorum of Trustees necessary to transact Business in General Meeting shall be Three; but if any Number less than Three shall be present at any of the stated or other General Meetings, such Trustee or Trustees shall have Power to adjourn such Meeting, and in that Case Notice shall be given of the Day, Place, and Purpose of such

such adjourned Meeting by Two several Advertisements in some Newspaper published in the County of *Carnarvon*.

First and other Meetings of Trustees.

VII. That the Trustees shall hold their First General Meeting at *Llandudno* on the Fourth *Wednesday* which shall occur next after the passing of this Act, at Noon, and proceed to put this Act into execution; and if the Number of Trustees present at such Meeting shall not be sufficient to constitute a Meeting, another Meeting shall be held, at the same Place and Hour, on the Fourteenth Day thereafter, and so on every Fourteenth Day until a sufficient Number of Trustees to constitute a Meeting shall have assembled.

Special Committee for Accounts.

VIII. That the Trustees, at their General Meetings assembled, shall have Power to name and appoint a Special Committee of their own Number, consisting of not less than Three, for the Purpose of examining the annual Account of the Moneys received and disbursed.

Newspaper for Advertisements.

IX. That Notice of all Meetings of the Trustees be given by an Advertisement inserted in Two successive Weeks in some Newspaper published and circulated in the County of *Carnarvon*.

Power of making Roads, &c. according to amended Plans.

X. And whereas Plans and Sections describing the Lines and Levels of the Road and Works, and the Lands in and through which the same were intended to be carried or made, together with Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Carnarvon:* And whereas since the said Plans, Sections, and Books of Reference were so deposited it has been agreed to alter the Line or Course of Part of the said intended Road and Works, and to make a Branch therefrom into the Road leading from *Marl* to *Pydaw:* And whereas amended Plans and Sections and Books of Reference describing the proposed Alterations, and showing the Line or Course of the said Road as now intended to be made, have been deposited with the Clerk of the Peace for the County of *Carnarvon:* Be it therefore enacted, That it shall be lawful for the Trustees to make and maintain the Road, Branch Road, and Works on the Lines and in and through the Lands delineated in the said amended Plans and described in the Books of Reference so deposited as aforesaid, and which said amended Plans and Books of Reference have been authenticated by the Signature of *William Battie Wrightson*, Esquire, M.P., and according to the Levels shown upon the Sections delineated in such amended Plans, and to widen, alter, and divert or appropriate, in the Manner and to the Extent shown on the said amended Plans, the whole or some Part or Parts of the following Roads or Highways respectively; that is to say,

say, the Road leading from *Llandudno*, and called the *Conway and Llandudno* Road, also the Road leading from the *Conway and Llandudno* Road through *Marl* to *Pydaw* aforesaid, and the said new Road leading from the said *Conway and Llandudno* Road into the Town of *Llandudno*, and also the Road leading from the *Conway and Chester* Turnpike Road to *Marl*, and permanently to stop up and discontinue the said Road or Highway leading from the said *Conway and Llandudno* Road through *Marl* to *Pydaw* aforesaid between the Points marked E and F on the said amended Plans, and also all such Portions of the said other existing Roads and Highways respectively as the Trustees shall not require for the Purposes of the said intended Turnpike Road, and which will become useless and unnecessary by reason of the Construction of the said Road, and also to construct, alter, or divert all such Footpaths, Bridges, Embankments, Ditches, Drains, Watercourses, Fences, Buildings, and other necessary Works upon or near to the said Roads as they may think requisite, and for the Purposes aforesaid to take possession of the Lands described in the said Plans and Books of Reference, making Satisfaction for the same to the Owners thereof, and to such other Persons as may respectively sustain Injury thereby; and it shall be lawful for the Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said Lands, and to stake out the same for the Purposes of this Act, in such Manner as the Trustees or their Surveyor shall think necessary or expedient: Provided always, that it shall not be lawful for the Trustees to commence any Portion of the Roads and Works by this Act authorized until they shall have deposited with the Clerk of the Peace of the County of *Carnarvon* a Copy of the said amended Plans, Sections, and Books of Reference so authenticated and deposited as aforesaid.

No Works to be executed by the Trustees within the Limits of 17 & 18 Vict. c. cii. except those shown upon Plans.

XI. That, except as is by this Act expressly provided, nothing in this Act, or in any Act herein referred to, or wholly or partially incorporated herewith, contained, shall be deemed or construed to empower the Trustees to enter upon, widen, alter, divert, appropriate, or in any other Manner interfere with any Streets, Roads, Highways, Footpaths, Bridges, Embankments, Ditches, Drains, Watercourses, Fences, Buildings, or other Works within the Limits of the District under the Control of the *Llandudno* Improvement Commissioners, as defined by "The *Llandudno* Improvement Act, 1854," except with the Consent in Writing of the said Commissioners under their Common Seal, or the Consent in Writing of the respective Owners thereof for the Time being, first had and obtained, and in such Manner, upon such Terms, and subject to such Conditions, Restrictions, Reservations, and Regulations, as may be set forth and specified in such Consents respectively.

XII. That

XII. That when and so soon as the Works by this Act authorized to be executed within the Limits of "The *Llandudno* Improvement Act, 1854," shall be completed, the same shall vest in and be placed under the Control and Management of and shall be maintained by the *Llandudno* Improvement Commissioners.

Works to be executed within the Limits of 17 & 18 Vict. c. cii. to vest in Improvement Commissioners.

XIII. That the Trustees may, in the Construction of the Works by this Act authorized, deviate from the respective Lines thereof to the Extent delineated upon the amended Plans so deposited as aforesaid, but not to any greater Extent, in passing through a Town or Lands continuously built upon, than Eleven Yards, and not to any greater Extent elsewhere than One hundred Yards from those respective Lines, nor in any Case into any Land not described in the Plan of such Work, or the Book of Reference thereto, without the Consent in Writing of the Owner and Occupier of such Land; and no Deviation shall be made from the Line of the Work where no Limit of Deviation is shown on the Plan without the Consent in Writing of the Owner of the Land through which such Deviation shall be made.

Power of Deviation.

XIV. That the Trustees shall have full Power and Authority to deviate from the Levels of the Works, as marked on the Sections delineated on the amended Plans so deposited as aforesaid, to any Extent not exceeding Five Feet, or, upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made, to any greater Extent than Five Feet.

As to Deviation from Levels.

XV. That the Works by this Act authorized may be made in or through any Lands delineated on the said amended Plans so deposited as aforesaid, although such Lands, or the Situations thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in those Plans or the Books of Reference thereto, in case it shall appear to any Two or more Justices of the Peace for the County of *Carnarvon* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake, and such Certificate of the said Justices shall be deposited with and remain in the Custody of the Sheriff's Clerk for the Time being of that County.

Lands may be taken, notwithstanding Errors in Book of Reference.

XVI. That "The Lands Clauses Consolidation Act, 1845," shall not apply to the Works by this Act authorized, nor be incorporated with this Act.

Provisions of 8 & 9 Vict. c. 18, not to apply.

As to Construction of certain Provisions of General Turnpike Acts.

XVII. That all the Clauses and Provisions of the Public General Acts now in force relating to the 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, or Conveyances of such Lands, the Compensation to be made for the same, and the making out of Titles thereto, shall (except where those Clauses and Provisions are inconsistent with this Act) extend and apply to the Lands to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans so deposited as last aforesaid, and described in the said Books of Reference, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

Trustees may pull down and use Materials of old Bridges, &c.

XVIII. That if in the Construction of the Works by this Act authorized it shall be necessary or convenient to pull down or alter any Bridge or Archway, Culvert, or other Work now being upon, under, or across those respective Portions of the existing public Roads, which after the passing of this Act will be managed, regulated, and repaired by the Trustees, the Trustees may, without paying anything for such Materials, use for the Purposes of this Act all such Materials as may be found in or arise from any such Bridge, Archway, Culverts, or other Works.

Period for Completion of Works.

XIX. That the Works by this Act authorized may be completed within Three Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised.

Powers for the compulsory Purchases limited.

XX. That the Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized shall not be exercised after the Expiration of Two Years from the Commencement of this Act.

Tolls.

XXI. That (except as herein-after provided) the Trustees may cause to be erected Toll Gates across or on the Sides of any Part of the Road, and provide or erect such Toll Houses, with suitable Outbuildings thereto, and enclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, as they shall think fit, and may authorize the Collectors or Officers under their Authority

Authority to take and levy at each of the said Gates such Rates, Tolls, and Duties as they may from Time to Time direct, not exceeding the following Sums:

For every Horse or other Beast drawing any Coach, Chariot, Chaise, Berlin, Landau, Omnibus, Hearse, Litter, Taxed Cart, or other such like Carriage, the Sum of Sixpence Sterling:

For every Horse or other Beast drawing any Van, Caravan, Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence Sterling:

For every Carriage or Vehicle drawn or propelled by Steam, or otherwise than by Animal Power, the Sum of One Shilling for every Wheel thereof:

For every Horse, Mare, Gelding, or Mule, with or without a Rider, laden or unladen, and not drawing, the Sum of Twopence:

For every Drove of Oxen, Neat Cattle, Horses or Asses unshod, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number.

No Toll Gates to be erected within the Limits of 17 & 18 Vict. c. cii.

XXII. That notwithstanding anything in this Act or in any Act herein referred to, or wholly or partially incorporated herewith, contained, it shall not be lawful for the Trustees to erect or cause to be erected any Toll Gate or Toll Bar across or on the Sides of any Part of the Road hereby authorized to be made lying to the North of the Road leading out of the present High Road between *Conway* and *Llandudno* to *Maesdola*, and commonly called the *Maesdola* Road, or to take, collect, or levy any Rates, Tolls, or Duties on any Part of the said intended Road lying to the North of the said *Maesdola* Road.

As to Fraction of a Halfpenny in Tolls.

XXIII. That in all Cases in which there shall be a fractional Part of a Penny less than a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be taken in lieu of such fractional Part.

Limiting Number of Tolls to be taken.

XXIV. That every Horse or Beast of Draught (if drawing the same Carriage, and if let for Hire, employed in or about the same Hiring), and other Animal, and every Carriage drawn or propelled otherwise than by Animal Power, in respect whereof the Toll for the Time being payable at any Toll Gate shall have been paid, shall (upon a Ticket denoting the Payment thereof being produced) be permitted, in returning through each such Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day: Provided always, that nothing herein contained shall exempt from Payment of Toll on

re-passing

re-passing any Horse or other Beast drawing any Stage Coach, Long Coach, Diligence, Omnibus, or other Stage Carriage.

Tolls to be paid once a Day.

XXV. That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Ox, Beast, Cattle, Animal, or Carriage through any or either of such Toll Gates, such Horse, Beast, Ox, Mule, Ass, Cattle, Animal, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass and repass Toll-free through the same Toll Gate, and also through such other Toll Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night.

Tolls may be diminished on Waggons and Carts having broad Wheels.

XXVI. That the Trustees may at any General Meeting diminish the Tolls to such Extent as they shall think fit on all Horses and other Beasts of Draught drawing, and on all Carriages drawn or propelled otherwise than by Animal Power, provided the Fellies of the Wheels of the Carriages drawn or propelled be of such Breadth and Construction as the Trustees may deem least calculated to injure the Roads; and the Trustees may, before granting such Diminution, establish such Regulations as they may think proper touching the Weight of the Loading which respectively such Horses or Beasts of Draught may be permitted to draw, and which such Carriages may be permitted to carry.

Power to borrow Money and assign Tolls.

XXVII. That the Trustees may borrow and take up at Interest, on the Credit of the Tolls authorized to be taken by this Act, such Sum or Sums of Money as they shall from Time to Time respectively think proper, and assign the Tolls as a Security to any Person who shall advance such Sum or Sums of Money: Provided always, that the Amount of the Money so borrowed shall not exceed the Sum of Four thousand Pounds.

Power to borrow Money at a lower Rate of Interest to pay off Securities at a higher Rate.

XXVIII. That if the Trustees can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than any Securities given by them and then in force shall bear, they may borrow such Sum at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and may mortgage the Tolls to secure the Money so borrowed at such lower Rate of Interest: Provided always, that the Sums so borrowed shall be applied only in paying off the Sums bearing such higher Rate of Interest; and it shall not be lawful for the Trustees by such Power of borrowing to increase the Amount of Principal Money for the Time being owing on the said Tolls.

XXIX. That

Application of Monies borrowed.

XXIX. That all Monies which shall come to the Hands of the Trustees by borrowing under the Provisions of this Act shall be applied as follows:

First, In discharging the Expenses of obtaining and passing this Act and incident thereto:

Secondly, In making, altering, and improving the Roads by this Act authorized to be respectively made, altered, and improved, and in erecting Toll Houses, Toll Gates, and Bridges.

Application of Tolls.

XXX. That all Monies arising from the Tolls by this Act authorized to be taken, which shall come to the Hands of the Trustees, shall be applied as follows:

Firstly, In defraying the necessary Expenses of Management, including Salaries of Officers and Collectors, Repair of Toll Houses and Toll Gates, and incidental Expenses, not exceeding (exclusive of Salaries of Toll Collectors, and the Expenses of prosecuting and defending Suits or Actions at Law, or Indictments) Forty Pounds *per Annum:*

Secondly, In paying Interest at any Rate not exceeding Four and a Half *per Cent.* on all Principal Sums for the Time being due and owing on the Credit of the Tolls:

Thirdly, In setting apart a Sum of Five Pounds *per Centum per Annum* on the Amount borrowed as a Sinking Fund:

Fourthly, In maintaining, improving, and repairing the Roads:

Lastly, In reducing, paying off, and discharging, in manner hereinafter provided, the said Debt or Sum of Money, or such Part or Parts thereof as shall from Time to Time be due and owing upon the Credit of the Tolls:

Provided always, that the Sum by this Act directed to be set apart as a Sinking Fund shall be in lieu of and in substitution for the Sum required to be set apart as a Sinking Fund by the Act Twelfth and Thirteenth *Victoria*, Chapter Eighty-seven.

Application of surplus Funds to Repayment of Mortgagees.

XXXI. That upon and so often as the Sum applicable to the Discharge of any Principal Monies for the Time being due on the Credit of the Tolls upon the Road 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 respectively to the Persons entitled thereto, and shall, Twenty-eight Days at least before such Sum shall be so applied, cause Notice to be given of the intended Application of such Sum in a Newspaper published in the County of *Carnarvon*, or by Letter addressed to each Mortgagee; and the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Credit of such Tolls to the Creditor who shall, by Proposal in Writing transmitted

mitted to the Clerk of the Trustees, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid, the Trustees shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Repayment of other Monies owing on the Credit of such Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposal as aforesaid, shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Creditors respectively, or pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot, or otherwise, as the Trustees shall think fit.

Mortgagees empowered to receive Tolls on non-payment of Interest, and to render Account of Receipts and Expenditure.

XXXII. That whenever and so long as the Interest upon all Mortgages charged upon the Tolls arising on the Roads shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into possession of any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rents as aforesaid, shall pay the Interest from Time to Time becoming due on the said Mortgages without any Priority or Preference, and may also reimburse himself all Costs to which he may be entitled; and every Mortgagee so in receipt or possession as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on all such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of all Toll Gates, Toll Houses, and Buildings to the Trustees, or any Person appointed by them to receive the same,

and

and discontinue the Receipt of the said Tolls and such Rent as aforesaid, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads, to the contrary notwithstanding.

Road not exempt from present and future General Acts.

XXXIII. That nothing herein contained shall be deemed to exempt the Road 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.

Commencement and Term of Act.

XXXIV. That this Act shall commence on the Fourth *Wednesday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and thence to the End of the Session of Parliament which shall then next follow.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.