CHAPTER cv.

An Act for making a Marine Road or Drive round the Great Ormes Head, in the parish of Llandudno in the county of Caernarvon; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS the Great Ormes Head Marine Drive Company, Limited, was, on the twenty-second day of November one thousand eight hundred and seventy-two, incorporated under "The Companies Act, 1862," and "The Companies Act, 1867," for the purpose of making and maintaining a carriage road or drive with a promenade round the mountain called the Great Ormes Head, in the parish of Llandudno in the county of Caernarvon, and for other purposes; and by the memorandum of association of the said limited Company their share capital was fixed at fourteen thousand pounds, divided into seven hundred shares of twenty pounds each, with power to raise a further sum of seven thousand pounds in new shares, or on the security of debentures or of a mortgage of the undertaking and property of the Company:

And whereas no portion of the share capital of the said Company has been called or paid up, and the borrowing powers of the said Company have not been exercised:

And whereas no works have yet been executed under the powers of the said Company, and it is expedient for the more effectually carrying out the above objects that the said limited Company should be dissolved and reincorporated, and that such further powers as in this Act mentioned should be conferred upon them:

And whereas the construction of a marine carriage road or drive and of a promenade for pedestrians round the mountain called the Great Ormes Head, in the parish of Llandudno, would be of great public and local benefit:

And whereas plans and sections showing the lines and levels of the works proposed to be authorised by this Act, and the lands to be taken or interfered with for the purposes thereof, with a book of reference to such plans, containing the names of the owners or

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reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Caernarvon:

And whereas the Right Honourable Lady Henrietta Augusta Mostyn, of Birling Manor, in the county of Kent, widow; Reginald John Cust, of Lincoln's Inn, in the county of Middlesex, Esquire; and the Honourable Ralph Pelham Nevill, of Malling House, in the county of Kent (trustees acting under and in execution of the trusts of the will of the Honourable Thomas Edward Mostyn Lloyd Mostyn, deceased, and herein-after called the trustees), being, or claiming to be, owners of the whole or greater portion of the lands required for the construction of such carriage road or drive, did, together with Sir Walter Buchanan Riddell, of No. 32, Grosvenor Place, in the county of Middlesex, Baronet (the receiver appointed by the Court of Chancery for the estates of the said testator, and herein-after called "the receiver"), present a petition to the House of Lords in opposition to the passing of this Act, authority for the purpose of such petition having been granted by the Court of Chancery by order dated the 12th day of February 1873:

And whereas the said trustees and receiver subsequently undertook to withdraw their said petition, and consent to the passing of this Act, upon the execution by the Company of an agreement, bearing date the 13th day of March 1873, and approved by the Court of Chancery, and likewise upon the insertion in this Act of the several provisions herein-after contained for the protection of the Mostyn estate:

And whereas the objects aforesaid cannot be carried into effect 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:

Short title.

1. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Great Ormes Head Marine Drive Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Companies Clauses Consolidation Act, 1845," and Parts I. and III. of "The Companies Clauses Act, 1863," so far as the provisions thereof respectively are applicable to the purposes of this Act, section 17 of "The Railways Clauses Consolidation

Act, 1845," and sections 13, 17, 18, and 19 of "The Railways Clauses Act, 1863," are incorporated with this Act. A.D. 1873.

Interpretation of terms.

3. In construing this Act and the Acts wholly or partially incorporated herewith the following expressions shall have the several meanings hereby attached to them:

The expression "the Company" or "the promoters of the undertaking" shall respectively mean the Company incorporated by this Act:

"The dissolved Company" shall mean the Great Ormes Head Marine Drive Company, Limited:

"The special Act" shall mean this Act:

"Superior courts" or "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The words "work" and "railway," which occur in the 17th section of "The Railways Clauses Consolidation Act, 1845," and in the 13th, 17th, 18th, and 19th sections of "The Railways Clauses Act, 1863," shall, for the purposes of this Act, mean the works authorised by this Act.

Same meanings to words in this Act as in incorporated Acts.

4. Except as by this Act is otherwise provided, the several words and expressions to which in the Acts incorporated herewith, or any of them, meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Incorporation of Company.

5. The Great Ormes Head Marine Drive Company, Limited, shall be and the same is hereby dissolved, and the memorandum and articles of association of that Company are hereby annulled, as from the passing of this Act, and as regards any prospective operation thereof, and the several persons and corporations who immediately before the passing of this Act were members of or shareholders in the Great Ormes Head Marine Drive Company, Limited, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns, respectively, shall be and they are hereby united and incorporated into a Company for the purpose of making and maintaining a marine carriage road or drive, and a promenade or promenades for pedestrians, round the mountain called the Great Ormes Head, in the parish of Llandudno in the county of Caernarvon, with all proper approaches and works, and for executing the several other works by this Act authorised, and for doing all acts necessary for that purpose

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and for other the purposes by this Act authorised, by and under the name of the Great Ormes Head Marine Drive Company, and by that name shall be a body corporate with perpetual succession and a common seal, and shall and may sue and be sued, and shall have power to purchase, hold, and dispose of lands for the purposes of the undertaking, subject to the restrictions and provisions herein contained.

Present property vested in Company incorporated by this Act.

6. All the property, rights, and easements, choses in action, claims and demands, rights and remedies whatsoever, which immediately before the passing of this Act were vested in the dissolved Company, or any person on their behalf, or to which the dissolved Company were in anywise entitled either at law or in equity, and the benefit of all contracts and engagements entered into with or on the behalf of the dissolved Company, and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the Company, to the same extent and for the same estate and interest as the same were at the time of the passing of this Act vested in the dissolved Company, or any person on their behalf, and may be held and enjoyed, sued for and recovered, maintained or removed accordingly.

General saving of rights, &c.

7. Notwithstanding the dissolution of the dissolved Company and the avoidance of the said memorandum and articles of association, and except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the dissolved Company shall be as valid as if that Company had not been dissolved, and such dissolution and this Act respectively shall accordingly be subject, and without prejudice, to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if such Company had not been dissolved and this Act had not been passed, would be incident to and consequent on any and everything so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Company shall, to all intents and purposes, represent and be deemed a continuation of the dissolved Company: Provided always, that the generalty of this enactment shall not be limited or confined by any of the provisions of this Act.

Deeds, &c. to remain in force.

8. All deeds, instruments, contracts, agreements, and other acts and things done, entered into, executed, or instituted before the passing of this Act, by, with, or with reference to the dissolved Company, and now in force, shall be as valid and effectual for, against, and with reference to the Company, and may be enforced as fully and effectually, as if, instead of the dissolved Company, the Company had been a party or privy thereto.

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Actions, &c. not to abate.

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which shall be pending by or against the dissolved Company, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the dissolved Company.

Debts due to and by dissolved Company to be paid to and by Company.

10. All persons who, immediately before the passing of this Act, owed any sums of money to the dissolved Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or to accrue due for the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing by or recoverable from the dissolved Company, or for the payment of which the dissolved Company are or but for this Act would be liable, shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the Company.

Trustees indemnified.

11. Every trustee or other person in whom or in whose name any property of the dissolved Company was vested or standing immediately before the passing of this Act, and who before the passing of this Act had lawfully entered into any bond, covenant, contract, or other engagement in relation thereto, or otherwise, on behalf of the dissolved Company, and every person who being duly authorised in that behalf had before the passing of this Act entered into any other contract on behalf of the dissolved Company, shall, notwithstanding the dissolution thereof, be indemnified out of the property of the Company from all liability and against all loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into the same.

Officers, &c. continued.

12. Every clerk or other officer and servant of the dissolved Company in office at the passing of this Act shall hold and enjoy his office and employment with the salary thereunto annexed, and be deemed to be an officer or servant of the Company, until he be removed from such office or resign, and shall for all purposes be deemed to have been appointed under this Act.

Capital.

13. The capital of the Company shall be fourteen thousand pounds, divided into seven hundred shares of twenty pounds each.

Present register of shareholders to continue to be kept.

14. The book kept by the dissolved Company for entering the names and designations of the subscribers to the undertaking, with the numbers of their shares and the proper number by which such shares shall be distinguished, shall and may continue to be kept

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for the same purpose by the Company, and shall, until some other register of shareholders be provided, be considered as the register of shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Shareholders of dissolved Company to be entitled to corresponding shares in capital of the Company.

15. After the passing of this Act every person and corporation who, immediately before the passing of this Act, was possessed of and entitled to one or more paid-up share or shares in the capital of the dissolved Company shall for each such share be possessed of and entitled to one ordinary share in the capital of the Company without making any payment for the same; and every person and corporation who was in like manner possessed of one or more share or shares in the capital of the dissolved Company not fully paid up shall for each such share be possessed of or entitled to one share in the capital of the Company without making any payment in respect of each such share beyond the amount which may then remain unpaid thereon, which amount may be called for by the Company in manner authorised by this Act, and if not paid to the Company by the shareholders from whom the same may be due may be recovered as calls are recoverable under this Act, and all such ordinary shares shall be and are hereby vested in such persons and corporations accordingly.

Shares not to issue until one fifth paid up.

16. The Company shall not issue any share, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

17. Twenty pounds per centum on the amount of each share shall be the greatest amount of a call, and four fifths of the amount of a share shall be the utmost aggregate amount of calls that may be made in any one year upon any share, and twenty-one days at least shall be the interval between successive calls.

Power to borrow money.

18. It shall be lawful for the Company to borrow on mortgage or bond any sums not exceeding four thousand pounds, but no part of such sums shall be borrowed until the whole of the said capital of fourteen thousand pounds shall have been issued and accepted, and one half thereof shall have been actually paid up, and the Company have proved to the justice, who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital

was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons and corporations, their executors, administrators, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

19. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and, in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of money.

21. All money to be raised under the provisions of this Act by means of shares, debenture stock, or borrowing shall be applied to the purposes by this Act authorised, and to no other purpose.

Number and qualification of directors.

22. Subject to the provision herein-after contained for reducing the number of directors, the number of directors shall be five, and the qualification of a director shall be the possession in his own right of five shares in the undertaking.

Power to reduce the number of directors.

23. It shall be lawful for the Company to reduce the number of directors, provided that the reduced number be not less than three.

First directors.

24. St. John Charlton, Joseph Evans, Thomas Williams, James Nicol, and Thomas Henry Lloyd shall be the first directors of the Company.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Election of directors.

26. The directors appointed by this Act shall continue in office until the first ordinary meeting to be held after the passing of this Act; at that meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by this Act, or any number of them, or may elect a new body of directors,

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or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed or disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Quorum.

27. The quorum of a meeting of directors shall be any number not less than two thirds of the total number of directors for the time being.

Committee of directors.

28. The directors may from time to time prescribe the number of directors constituting the quorum of the committees appointed by them.

Newspaper for insertion of advertisements.

29. The newspaper in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published in the county of Caernarvon.

As to money payable to persons under disability.

30. If any money be payable to any shareholder being a minor, idiot, lunatic, or person non compos mentis, the receipt of the guardian or committee of his estate, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to make drive according to deposited plans.

31. Subject to the provisions in this Act contained, it shall be lawful for the Company to make and maintain the intended road or drive and works by this Act authorised, with all proper approaches and works, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, and to enter upon, take, and use all or any of the lands delineated on the said plans and described in the deposited book of reference, and from time to time to appropriate them to the purposes of this Act: Provided always, that, in the construction of the said road or drive, the Company may, subject to the restrictions in this Act, deviate laterally from the line or situation thereof as shown on the deposited plans to any extent within the limits of deviation defined on the said plans, and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet.

Works authorised by Act.

32. The works by this Act authorised are a carriage road or drive commencing in the parish of Llandudno in the county of Caer-

narvon, at a point upon or adjoining the present existing road at the fence on the north side of the valley known as "the Fach," or "Happy Valley," distant eighteen chains or thereabouts, to the north of the principal entrance door of the Llandudno Public Baths, to be continued along or near to the existing road and path round the Great Ormes Head, passing through or near the places described and known as the "Pentrwyn," "Pigeons' Cave," "Porth-yr-Heli," "Point Bryn-pys," "Dolfechan Farm," Hafnant, south side of lighthouse, "Bwlch-y-llech," "Bwlch-y-Gwynt," to the west side of the house known as "Tom and Jerry;" thence in a southerly direction, passing the house known as "Pen-y-fron," on the western side thereof, down to the foreshore of the Conway bay or river; thence along the same in a south-easterly direction, in some parts between high and low water mark of ordinary spring tides, passing over the present tramways from the limestone quarry belonging, or reputed to belong, to the Lord Bishop of Bangor and others, and terminating at and forming a junction with the north-west end of Abbey Road, at a point opposite the entrance to the house known as "Penmorfa," which said road or drive, approaches, and works will be within the said parish of Llandudno in the county of Caernarvon. A.D. 1873.

Errors and omissions may be corrected.

33. If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described in the said plans or book of reference deposited as aforesaid, it shall be lawful for the Company, after giving ten days notice to the owners, lessees, or occupiers of those lands, to apply to two justices acting for the county of Caernarvon for the correction thereof, and if it shall appear to such justices that such omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of such omission, and in what respect any such matter shall have been misstated or erroneously described; and a duplicate of such certificate shall be deposited with the said clerk of the peace for the county of Caernarvon, and a duplicate with the parish clerk of the parish in which the lands therein referred to shall be situate, and kept by the said clerk of the peace and parish clerk respectively along with the other documents to which the same relates; and thereupon the said plans and book of reference shall be deemed to be corrected according to such certificate; and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

For protection of the Mostyn estates.

34. Whereas the whole or greater portion of the lands upon which the road or drive authorised by this Act is proposed to be made belong or are reputed to belong to and form part of the

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Mostyn estates: Therefore, for the protection of the trustees or other owner for the time being of the Mostyn estates the following provisions shall be observed and have effect, and shall be binding on the Company and all other persons accordingly:

1. The lands of the trustees, or any portion or portions of such lands, which may be required for the execution of the works authorised by this Act shall be acquired by the Company by agreement in the manner and upon the terms herein-after set forth, and the compulsory powers by this Act conferred upon the Company with regard to such lands, or any of them, or any part thereof, shall not be exercised by the Company, or by any one on their behalf, unless with the consent in writing of the trustees first had and obtained.

2. The Company shall accept from the trustees a lease containing all proper and necessary covenants, and including a proviso for re-entry in the circumstances herein-after mentioned, of so much of the lands of the trustees shown on the said plans and sections and described in the said book of reference as shall be reasonably required for the construction of the road or drive by this Act authorised to be constructed, with all necessary recesses or sidings and toll gates, but not further or otherwise (except such additional lands as may be separately purchased by agreement or leased to the Company for extraordinary purposes under the powers for that purpose herein-after contained), and such lease shall be upon the terms following; (that is to say,) as regards the portion of such lands of which the trustees are owners for an estate of freehold of inheritance the lease shall be for a term of one thousand years at the annual rent of five shillings, and, as regards the portion of such lands of which the trustees are owners for an estate of freehold for lives under lease from the Bishop of Bangor, dated the twenty-third day of December one thousand eight hundred and fifty-four, the lease shall be for the term of ninety-nine years (if the said lease of the twenty-third December one thousand eight hundred and fifty-four should so long exist) at the annual rent of one shilling.

3. The Company shall not require the title to the lands, or any of them, the subject of the said intended lease, to be deduced, but shall accept the recital or statement by the trustees in the said intended lease that such lands form portion of the Mostyn estates.

4. The lands so leased to the Company shall be used only for the purposes of the works by this Act authorised, and subject in all respects to the provisions herein-after contained as to the

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making and maintenance of such road or drive, and otherwise in relation thereto; and in case such lands or any of them shall by the Company or their assigns at any time be used for or applied to any purpose foreign to or not authorised by this Act, the lease aforesaid shall be deemed to have become void and to have determined, and the trustees or other owner for the time being of the Mostyn estate may forthwith re-enter upon and resume possession of all the lands comprised in such lease, as if such lease had never been made.

5. The road or drive by this Act authorised shall be so laid out and constructed by the Company as to be throughout from the commencement to the termination of such road or drive not less than twenty-one feet in width, having upon the side thereof nearest the sea a path or footway for pedestrians, not less than five feet in width, forming part of, but not in addition to, such width of twenty-one feet.

6. The road and footway shall be protected on the sea side thereof by a good and substantial wall of such height and thickness as may afford ample protection to the public using such road and footway, or dwelling in the vicinity thereof, and such wall, road, and footway shall be made and at all times maintained by the Company in good order and condition, and in case of accident or injury thereto from storms or otherwise shall be repaired by them with the least practicable delay.

7. In the construction of the road or drive, the Company shall make and provide all necessary culverts for carrying off the surface water at the points shown on the four sheets marked A, B, C, and D of the plan deposited in the office of the Clerk of the Parliaments, and attested by the signature of the Right Honourable the Lord Redesdale, chairman of committees of the House of Lords, and at such other points as may hereafter, if necessary, be fixed for that purpose by the surveyor of the Mostyn estates for the time being; and shall in like manner make a sufficient number of crossings, with gates (not exceeding six in number), for the use of the Mostyn estates; and shall in like manner make a sufficient number of openings in the wall on the sea side of the road and footway, with gates thereto, for the purpose of affording access to and from the road or drive to the landing-places already constructed or to be constructed for boats, in accordance with the provisions of this Act.

8. On giving notice to the Company of their or his intention, the trustees or other owner for the time being of the Mostyn

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estates shall at all times have the right to construct at their or his own expense other roads leading into the road or drive authorised by this Act, and to place gates across such roads at the points of junction with, and entrance to, the main road.

9. The trustees or other owner for the time being of the Mostyn estates shall have full right and liberty to build, as they or he may think fit, upon lands abutting upon or adjoining the main road, without let or hindrance from the Company, but so always that such buildings shall not encroach upon or prejudicially affect any portion of the main road, or interfere with the proper use and enjoyment thereof.

10. The trustees or other the owner for the time being of the Mostyn estates shall have full authority themselves to construct or to authorise the construction at suitable points round the Great Ormes Head of landing-places for boats; and all proper and necessary facilities for affording safe and convenient access from such landing-places to the road or drive authorised by this Act, and from the road or drive to such landing-places, shall be afforded by the Company.

11. The road or drive authorised by this Act shall be constructed, made, finished, and for ever afterwards maintained and kept in good order, repair, and condition at the costs and charges in all respects of the Company.

12. The Company shall erect two toll-gates across the road or drive by this Act authorised in the positions following; (that is to say,) one at either extremity of the road or drive as shown on the deposited plans, or at any point measured along the said road or drive within one hundred yards of (but not beyond) the extremity of such road or drive, so that between such toll-gates the whole of the road or drive shown on the deposited plans shall intervene, with the exception of such limits respectively of one hundred yards, at either end of the said road or drive, in case the Company shall desire to set back the toll-gates to that or any lesser distance, and the Company shall not take toll at any other gate to be erected across the said road or drive.

13. The tolls to be taken by the Company or their assigns at such two toll-gates, or either of them, shall be payable only in respect of the use of the said road or drive between such gates, and any gates at any time erected by the Company shall be expressly subject in all respects to the several provisions, conditions, and stipulations herein-after contained.

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14. If, from any cause whatever, the road or drive authorised by this Act shall not be commenced and completed within five years from the passing of this Act, or, having been completed, in case the Company shall be wound up or dissolved, or shall, from any other cause, cease to exist, the lease hereby authorised to the Company of lands to be used in and for the construction of such road or drive, or in connexion therewith, shall be deemed to have become void and to have determined, and the trustees or other owner for the time being of the Mostyn estates may re-enter upon the lands and resume possession thereof in manner herein-before mentioned.

15. Any works to be constructed by the Company in carrying into execution the purposes of this Act shall be done in all things at the expense of the Company, and so as to cause the least practicable amount of injury to, or interference with, the Mostyn estates, or any part thereof.

16. Nothing in this Act contained shall take away, abridge, or prejudicially affect any rights now or heretofore enjoyed by any tenants, servants, or workmen upon the Mostyn estates of passing and repassing freely and without payment of toll or other let or hindrance to or from the Great Ormes Head, or any part thereof, to the sea: Provided always, that, in so passing or repassing to the sea, such tenants, servants, and workmen, or any of them, shall be bound to use, and shall only have the right or privilege of using, one or other of the said openings in the wall on the sea side of the road and footway, with gates thereto, as herein-before mentioned.

17. With regard to all or any of the dwelling-houses which may be erected after the passing of this Act within five hundred yards of either side of the road or drive between and within the toll-gates, the Company will, if and when called upon to do so by the trustees or other owner for the time being of the Mostyn estates, accept from the occupiers of all or any of such houses respectively, in lieu of tolls upon the user by them of such road or drive, a fixed payment or composition not to exceed the rate of threepence in the pound on the annual rateable value of such dwelling-houses respectively, according to the parochial assessment for the relief of the poor, such payment or composition, unless otherwise agreed, to be due and payable on the 1st January and 1st July in each year by the occupiers of such houses respectively, who shall thereupon be free, with all other inmates of such houses respectively, and with their horses and carriages, from all tolls whatever upon the road or

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drive during the period covered in each case by such payment or composition, and in proof and authentication of such payment or composition having been made the Company shall from time to time provide and issue a competent and sufficient number of passes to all such occupiers and inmates as aforesaid.

18. All the costs, charges, and expenses incurred by or on behalf of the trustees and others, if any, connected with or incidental to the preparation and passing of this Act, and whether in Chancery, in Parliament, or otherwise, and all costs, charges, and expenses of the lease or other necessary instruments to be executed in conformity with the provisions of this Act, shall be paid by the Company.

Land for extraordinary purposes.

35. In addition to the lands authorised to be purchased as aforesaid, it shall be lawful for the Company to purchase by agreement, or to take on lease, any quantity of land for extraordinary purposes not exceeding three acres, and they may, on any land so acquired, but not otherwise, form pleasure grounds with pavilions, refreshment rooms, and other suitable works and erections to facilitate the better enjoyment and use of the said road or drive by this Act authorised to be constructed, and may make such reasonable charge for admission thereto as they may think fit.

Powers for compulsory purchases limited.

36. The powers of the Company 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.

Period for completion of works.

37. The works by this Act authorised shall be completed within five years after the passing of this Act, and on the expiration of that period the powers by this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls to be taken.

38. The Company may from time to time demand and take for the use of the said road or drive, or any part thereof, such tolls as the Company from time to time direct, not exceeding the sums following; that is to say,

For every horse, mule, ass, or other beast drawing any carriage, vehicle, or machine passing through any gate on the said road or drive or the sides thereof respectively, the sum of sixpence;

For every horse, mule, or ass, laden or unladen, and not drawing, the sum of threepence;

For every drove of oxen, cows, or herd of neat cattle, not exceeding the sum of tenpence per score, and so in proportion for a greater or less number;

For every drove of calves, sheep, lambs, or swine, not exceeding the sum of sixpence per score, and so on in proportion for a greater or less number;

For every carriage propelled or drawn by steam or any power other than animal power, the sum of one shilling for each wheel thereof;

And the tolls hereby made payable at any such gate shall be paid before any animal, carriage, vehicle, or machine whatsoever liable to the payment thereof shall be permitted to pass through the same:

For every passenger or person on foot (except the driver of any vehicle) passing any gate from time to time erected on the said road or drive, or at each or either end of the said road or drive, the sum of one penny, and the like sum of one penny for every person (except the driver) passing through any such last-mentioned gate, riding in or upon any cart or other like carriage (not being a cart or carriage usually employed for the conveyance of passengers), or riding upon any horse or beast drawing such cart or other such carriage;

For every velocipede, bath-chair, perambulator, truck, or other machine propelled or driven by human power, the sum of twopence;

And such respective tolls shall be paid before any such person or any such cart or other like carriage shall be entitled to pass through such gate, and shall be paid for each and every time of passing through such gate; and for the more conveniently collecting and receiving the said tolls the Company may, subject to the provisions in this Act contained, from time to time erect and maintain upon, across, and on the sides of the said road or drive such and so many gates as they shall think fit.

One halfpenny to be taken instead of fraction.

39. In all cases in which there shall be a fractional part of a halfpenny on the amount of tolls by this Act authorised to be collected the sum of one halfpenny shall be taken in lieu of such fractional part.

One full toll only to be taken.

40. Not more than one full toll in the whole shall be payable or paid in the same day for once entering upon, using, and passing out of the whole or any part of the said road or drive, whether one or more gates be passed through.

Hired carriages to pay every time of fresh hiring.

41. Provided always, that the tolls hereby made payable shall be paid for all horses, mules, asses, or other beasts drawing any carriage travelling for hire as often as a new hiring shall take place

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in the same manner as if no previous payment of toll in respect of such horses, mules, asses, or other beasts had been made.

Exemptions from tolls.

42. No toll shall be demanded or taken by virtue of this Act in respect of the use of or passage over the said road or drive, or any part thereof, by the following persons; that is to say,

Her Majesty the Queen and the members of the Royal Family;

Edward Mostyn Lord Mostyn, and his wife, and his sons and daughters, and their wives and husbands respectively;

The Lady Henrietta Augusta Mostyn and her sons Llewellyn Nevill Vaughan Mostyn and Henry Richard Howel Mostyn, and the future Lords Mostyn, and the owner or owners for the time being of the estate and mansion-house situate near to Llandudno and known as Gloddaeth, and his, her, and their surveyors, agents, servants, and workmen when on duty or going to or returning from their work;

The rector of Llandudno for the time being, and his servants and labourers when going to or returning from their work;

Occupiers and inmates of houses existing at the date of the passing of this Act within five hundred yards of either side of the said road or drive between and within the toll-gates at which toll is intended to be levied, and the occupiers at the date aforesaid of any lands within the same distance of the said road or drive, and within the said limits;

Soldiers, sailors, marines, militia, or volunteers, or other persons in Her Majesty's service, in uniform, and in the course and actual exercise of their duty, passing over the whole or any part of the said road or drive;

And no toll shall be demanded or taken by virtue of this Act for or in respect of the horses or other beasts, carriages, or carts of any such persons as aforesaid, and no toll shall be demanded or taken by virtue of this Act in respect of the use of or passage over the said road or drive, or any part thereof, as foot passengers, by the Llandudno Improvement Commissioners, their surveyors or agents, when on duty, or any quarrymen, miners, labourers, or workmen whatsoever when going to or returning from their work, and no toll shall be demanded or taken at any time by virtue of this Act for or in respect of the use of or passage over such part of the said road or drive as lies between the site of the proposed toll-gate at the north side of the Happy Valley and the quarry called Vach, now in the occupation of John Davies and others, by the Llandudno Improvement Commissioners or their agents, surveyor, and workmen, horses or other beasts, carriages or carts.

Power to lay down pipes.

43. It shall be lawful for the said Llandudno Improvement Commissioners to place and maintain under the surface of the said road or drive, or any part thereof, in a proper and workmanlike manner, suitable pipes or other constructions for the conveyance of gas, water, or sewerage; but the said Commissioners shall make good to the said Company any damage which may be occasioned thereby, shall not cause any avoidable disturbance of the surface of the said and road or drive, or any part thereof.

List of tolls to be exhibited on a board.

44. A list of all the tolls authorised by this Act to be taken shall be published by the same being painted upon one toll-board or more, in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper, affixed to such board, and such board shall be exhibited at every gate where such tolls shall be made payable.

Tolls to be taken only whilst board exhibited.

45. No toll shall be demanded or taken by the Company during any time at which the boards herein-before directed to be exhibited shall not be so exhibited.

Power to vary or reduce tolls.

46. It shall be lawful for the Company from time to time to vary or reduce all or any of the tolls hereby made payable for such time as they shall think proper, and again to raise the tolls so varied or reduced, or any part thereof, so that the same do not exceed the tolls hereby made payable, and the tolls so varied, reduced, or again raised shall be collected and recovered in the same manner as the tolls hereby made payable are authorised or directed to be collected and recovered.

Power to grant licenses of exemption.

47. It shall be lawful for the Company to grant licenses or tickets of exemption to any person or persons from all or any of the tolls authorised to be taken by this Act for such limited periods not exceeding one year, and subject to such conditions, limitations, and restrictions, as the directors from time to time shall deem expedient, and to take such remuneration, either by a single payment or by periodical payments, as to the said directors shall seem fit, but the said directors shall grant the same terms in similar circumstances to every person desiring them.

Power to stop any person refusing to pay toll.

48. If any person subject to the payment of any toll hereby made payable, or any person having charge of any animal, carriage, vehicle, or machine in respect of which toll is payable under this Act, shall, after demand thereof made by any collector appointed to receive toll, neglect or refuse to pay the same, or any part thereof, it shall be lawful for such collector, by himself or taking such assistance as he may think necessary, to stop and prevent the passage of the person so neglecting or refusing, or of the animal,

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carriage, vehicle, or machine for or in respect of which such tolls ought to have been paid, until full payment thereof be made, or to seize and distrain any such animal, together with the bridles, saddles, gear, harness, and accoutrements thereunto belonging, or any carriage, vehicle, or machine drawn by any such animal, or any article or thing in or upon the same, or belonging to such person, and if such tolls and the reasonable charges of such seizure and distress be not paid within the space of four days next after any such seizure and distress made, the person so seizing and distraining shall and may sell the animal, carriage, vehicle, machine, articles, or things so seized or distrained, or any part thereof, returning to the owner thereof, upon demand, the surplus (if any) and what shall remain unsold after such tolls, and the reasonable charges occasioned by such seizure, distress, and sale, have been deducted.

Penalty for evading toll.

49. If any person shall by any means evade the payment of any toll by this Act made payable, or shall forcibly pass along the said road or drive, or through any toll-gate, without having paid such toll, or shall assault, interrupt, or obstruct any person employed in the collection of such toll, every person offending in any of such cases shall for every such offence forfeit any sum not exceeding five pounds.

For punishing toll collectors misbehaving.

50. Every collector of the tolls by this Act made payable shall place his christian and surname painted on a board in distinct and legible characters, on some conspicuous part of the toll-house or toll-gate whereat he shall be on duty, immediately on his coming on duty, and shall continue the same so placed during the whole time he shall be on duty; and if any collector of the said tolls shall not place such board as aforesaid, and keep the same there during the time he shall be on duty as aforesaid, or shall demand or take a greater or less toll than he shall be authorised to do by virtue of the powers of this Act and of the orders of the Company made in pursuance thereof, or shall demand or take a toll from any person exempt from the payment thereof and claiming such exemption, or shall refuse to permit or shall not permit any person to read, or shall in anywise hinder any person from reading, the inscription on the boards to be affixed and placed as aforesaid, and who shall have paid the legal toll, or upon the legal toll being paid or tendered shall unnecessarily detain, or wilfully obstruct or hinder any animal, carriage, or vehicle, or machine, or any person from passing upon or along the road or drive, then and in every such case every such collector shall forfeit any sum not exceeding five pounds for every such offence.

Delivery of matters in possession or custody of toll collector at removal.

51. If any collector of toll or other officer employed by the Company be discharged or suspended from his office, or die or abscond or absent himself, and if such collector or other officer, or the wife, widow, or any of the family, or any representative of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the Company, or to any person appointed by them for that purpose, any dwelling-house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the Company, in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then upon application being made by the Company to any justice it shall be lawful for such justice to order any constable, with proper assistance, to enter upon such dwelling-house, office, or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the Company or any person appointed by them for that purpose.

Restrictions as to use of drive.

52. No carriage, vehicle, or machine weighing more than ten 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 the said road or drive without the special permission of the Company first obtained.

Power to erect weighing machines.

53. It shall be lawful for the said Company to cause to be erected at or near the said road or drive, or at such distance as they shall think most expedient, one or more weighing machines in such situation as shall not impede the free passage of persons using the said road or drive.

Toll collector may weigh carriages, &c.

54. The keeper of any weighing machine or toll-gate, or any other person to be appointed by the Company, may require every driver or conductor of any carriage, vehicle, or machine which shall come upon or pass along the said road or drive, and which he shall suspect to be of greater weight than ten tons, including the loading thereof, to be weighed at such weighing machine, and if any such driver or conductor shall refuse to allow the same to be weighed, or shall resist any toll-keeper or toll collector in weighing the same, every such driver or conductor shall forfeit and pay to the Company any sum not exceeding five pounds.

Company may make and vary byelaws.

55. The Company may from time to time make such byelaws as they think fit for all or any of the following purposes; '(that is to say,)

For regulating the use of the road and other works authorised

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to be executed, and for preventing nuisances and obstructions therein or the immediate approaches thereto;

For regulating the duties and conduct of all persons, as well servants of the Company as others, who shall be employed in or about the road and other works authorised to be executed;

And the Company may from time to time, as they shall think fit, repeal or alter any such byelaws: Provided always, that such byelaws shall not be repugnant to the general law or the provisions of this Act; and such byelaws shall be reduced into writing, and have affixed thereto the common seal of the Company, and if affecting other persons than the officers or servants of the Company shall be confirmed and published as herein provided.

Byelaws may be enforced by imposition of penalties.

56. The Company may, by the byelaws so to be made by them impose such reasonable penalties as they shall think fit not exceeding five pounds for each breach of such byelaws: Provided always, that such byelaws shall be so framed as to allow the justices before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

No byelaws to come into operation until allowed.

57. No byelaws made under the authority of this Act, except such as relate solely to the Company, or their officers or servants, shall come into operation until the same be allowed by the Local Government Board, and it shall be incumbent on such Board, on the request of the Company, to inquire into any byelaws tendered to them for that purpose, and to allow or disallow of the same, as they shall think meet.

Notice of allowance of byelaws to be given in one or more newspapers.

58. Provided always, that no such byelaws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers of the county of Caernarvon one month at least before the hearing of such application; and any person desiring to object to any such byelaw, on giving to the Company notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

A copy of proposed byelaws to be open to inspection.

59. For one month at least before any such application for confirmation of any byelaws a copy of the proposed byelaws shall be kept at the principal office of the Company, and all persons may at all reasonable times inspect such copy without fee or reward; and the Company shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied.

Publication of byelaws.

60. The said byelaws, when confirmed, shall be printed, and the secretary of the Company shall deliver a printed copy thereof to every person applying for the same without charge, and a copy thereof shall be painted or placed on boards and put up in some conspicuous part of the office of the Company, and also in some conspicuous part of the road, with their byelaws thereon, and shall be renewed from time to time, as occasion shall require, and shall be open to inspection without fee or reward; and in case the said secretary shall not permit the same to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding five pounds.

Byelaws to be binding on all parties.

61. All byelaws made and confirmed according to the provisions of this Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same.

Proof of publication of byelaws.

62. The production of a written or printed copy of the byelaws requiring confirmation by the Local Government Board, authenticated by the signature of a secretary or assistant secretary of the said Board, and a written or printed copy of the byelaws not requiring such confirmation, authenticated by the common seal of the Company, shall be evidence of the existence and due making of such byelaws in all cases of prosecution under the same, without proof of such signature or the common seal of the Company; and with respect to the proof of the publication of any such byelaws it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such byelaws, or was not duly put up or continued as directed by this Act.

Saving rights of the Crown in the foreshore.

63. Nothing contained in this Act shall authorise the Company 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

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vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown.

64. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of her Crown and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the previous consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); and as incidental to any such consent as aforesaid the Company may enter into any agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the approval of the Commissioners of Her Majesty's Treasury, join in every such agreement, and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with the like approval, and the Company may respectively execute all necessary conveyances, leases, licenses, or other deeds of or relating to any land, hereditaments, or rights belonging to Her Majesty in right of her Crown and under the management of the same Commissioners, and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in this Act contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority now or from time to time vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

65. All the costs, charges, and expenses of and incidental to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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