CHAPTER xciv.

An Act to authorise the making of a Bridge over the River Conway in the counties of Denbigh and Carnarvon at Talycafn and approach roads thereto and for other purposes. [20th July 1894.]

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WHEREAS the making and maintaining of a bridge over the River Conway in the counties of Denbigh and Carnarvon connecting the said counties at or near Talycafn in the said county of Carnarvon with approach roads thereto would be of public and local advantage:

And whereas the several persons herein-after named with others are willing at their own expense to carry the said undertaking into execution on being incorporated into a company for the purpose:

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerks of the peace for the counties of Denbigh and Carnarvon respectively and are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be effected 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. This Act may be cited as the Talycafn Bridge Act 1894.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Parts I. and III. (relating respectively to the cancellation and surrender of

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shares and to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (subject as herein-after mentioned) the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in this Act and for the purposes of this Act in the incorporated Acts the word "lands" includes ferries and rights of ferry Provided further that in the incorporated provisions of the Railways Clauses Consolidation Act 1845 the expression "railway" means the works by this Act authorised and the expression "centre of the railway" means any part of the works And in this Act—

The expression "the Company" means the company incorporated by this Act;

The expression "the undertaking" means the undertaking by this Act authorised;

The expression "the works" means the bridge approach roads and other works by this Act authorised;

The expression "the county councils" means the county councils of the counties of Denbigh and Carnarvon respectively:

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Griffith Griffith of Llican Isaf Tyn-y-groes near Conway in the county of Carnarvon and Robert Jones of Tyn-y-borth Talycafn Eglwysfach in the county of Denbigh and Ernest George Verity of Burnham Abbey Burnham in the county of Bucks 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 are hereby united into a company for the purpose of making and maintaining the works and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Talycafn Bridge Company and by that name shall be a body corporate with perpetual succession and a common seal with power

to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to the Company to take lands for purposes of Act.

5. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate to or for the purposes of this Act all or any of the lands and buildings delineated upon the deposited plans and described in the deposited book of reference and lying within the limits of deviation shown upon those plans.

For the protection of the London and North Western Railway Company.

6. The Company shall not without the previous consent in writing of the London and North Western Railway Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the London and North Western Railway Company.

Correction of errors in deposited plans and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or described in the deposited book of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

Deposit of certificate of correction.

8. The certificate of the justices shall be deposited with the clerk of the peace for the county and a duplicate thereof with the parish clerk of the parish in which the lands in question are situate and the certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Company may execute the works in accordance with the certificate.

Power to take easements &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and

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rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Application of provisions of Improvement of Land Act 1864.

10. The provisions in the Improvement of Land Act 1864 with regard to charging lands with money subscribed for the construction of railways shall be applicable and shall be read with reference to the works by this Act authorised as if the works were a railway or navigable canal and as if the Company were a railway or canal company and as if the lands of any landowner which may be improved or benefited by the works were lands which might be improved or benefited by a railway or navigable canal within the meaning of the said Improvement of Land Act.

Company may execute works.

11. Subject to the provisions of this Act the Company may from time to time make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge and approach roads herein-after described with all proper fences drains arches culverts footpaths toll-gates toll-houses and other buildings works and conveniences connected therewith in the counties of Denbigh and Carnarvon (that is to say):—

(1) A bridge across the River Conway to be situate in the parishes of Eglwysfach in the county of Denbigh and Caerhun and Llanbedr-y-Cenin in the county of Carnarvon connecting the said counties at or near Talycafn which bridge will commence at a point on or near the road leading from Talycafn Railway station to the present ferry of Talycafn and distant one hundred and eight yards or thereabouts (measuring along the said road) from the western corner of the booking office of the said railway station and situate on the Denbighshire shore on or about the line of high-water mark at or near the point where the said road abuts on the said river and will terminate at a point on the Carnarvonshire shore situate on or about the line of high-water mark twenty-two yards or thereabouts to the east of the ferry cottage hut or waiting room there:

(2) An approach road ("approach road No. 1") wholly in the said parish of Eglwysfach and commencing by a junction with the said road leading from the Talycafn Railway Station to the present ferry at or near a point in the last-mentioned road distant thirty-two yards or thereabouts measured in a straight line in a north-westerly direction from the western corner of the booking office of the said railway station and terminating by a junction with the bridge herein-before described at the commencement or south-eastern extremity of that bridge:

(3) An approach road ("approach road No. 2") in the said parishes of Caerhun and Llanbedr-y-Cenin commencing in the road leading from Talycafn to Tyn-y-groes at a point in that road situate one hundred and four yards or thereabouts (measured in a straight line) to the west of the said ferry cottage hut or waiting room and terminating by a junction with the bridge herein-before described at the termination or north-western extremity of that bridge:

(4) An approach road ("approach road No. 3") in the said parishes of Caerhun and Llanbedr-y-Cenin commencing in the road leading from Talycafn to Conway at a point in that road situate one hundred and twenty-three yards or thereabouts (measured in a straight line) to the north-east of the said ferry cottage hut or waiting room and terminating by a junction with the approach road No. 2 herein-before described at a point in that road twenty-eight yards or thereabouts from its termination at the said bridge.

Provisions for the protection of the Corporation of Conway.

12. For the protection of the mayor aldermen and burgesses of the borough of Conway as conservators of the River Conway (herein-after called "the Corporation") the following provisions shall have effect:—

(1) The bridge by this Act authorised shall be constructed of three spans and the centre span shall be of such width and shall have such a clear headway above high-water mark of ordinary spring tides of not less than fourteen and not exceeding eighteen feet as shall be agreed upon between the engineer of the Corporation and the engineer of the Company or in the event of their failing to agree as shall be settled and determined by an arbitrator to be agreed upon between the Corporation and the Company or in default of agreement to be appointed for that purpose on the application of either party by the President for the time being of the Institution of Civil Engineers:

(2) Any temporary works on or over the River Conway shall until removed be lighted by the Company between sunset and sunrise in such manner as the Corporation may from time to time reasonably require and such temporary works shall at all times leave a sufficient navigable waterway for the passage of vessels boats and barges:

(3) Plans of the bridge shall be submitted to the Corporation for their approval with respect to the form of the piers of the centre span of the bridge before the works are commenced:

(4) If within twenty-one days after the delivery of those plans to the Corporation the Corporation fail to signify their disapproval

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of the same the Company shall be at liberty to proceed with the works in accordance with such plans:

(5) If within the said period the Corporation signify their disapproval of the said plans they shall state the particulars of such modifications as they require and unless the said plans are settled by agreement between the Corporation and the Company the matter in difference may at any time on the application of either party be referred to an arbitrator to be appointed as herein-before mentioned:

(6) The decision of any arbitrator appointed in pursuance of this section shall be final and conclusive as between the Corporation and the Company and the costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator.

Capital.

13. The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

14. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.

Calls.

15. One fifth of the amount of a share shall be the greatest amount of a call and one month at least shall be the interval between successive calls.

Receipt in case of persons not sui juris.

16. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

17. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eight thousand three hundred pounds but no part thereof shall be borrowed until the whole capital of twenty-five thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such 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 or corporations their executors administrators

successors 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.

For appointment of a receiver.

18. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

19. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages over other debts.

20. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

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First ordinary meeting.

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

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

25. The quorum of a meeting of directors shall be three.

First directors.

26. Griffith Griffith Robert Jones Ernest George Verity and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

27. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue 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 then 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 nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for compulsory purchase of lands.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to deviate laterally and vertically.

29. In making the works the Company may deviate from the centre lines thereof delineated on the deposited plans provided that no such deviation shall extend to a greater distance than the limits of lateral deviation delineated on the said plans and the Company may deviate from the levels thereof as shown on the deposited sections to any extent upwards or downwards not exceeding five feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to cross roads &c.

30. Subject to the provisions of this Act the Company may from time to time cross divert alter or stop up either temporarily or permanently any roads footpaths streams culverts pipes or drains in any of the lands within the limits of deviation shown on the deposited plans and described in the deposited book of reference which they are by this Act authorised to purchase and acquire and which shall be purchased and acquired by the Company when and so far as the Company deem it requisite for any of those purposes so to interfere with the same Provided that the Company shall not divert or permanently stop up any public road way or footpath except so far and in the manner in which the same is shown upon the deposited plans as intended to be diverted or stopped up.

Incidental works.

31. For the purposes and subject to the provisions of this Act the Company from time to time may within the limits of deviation shown on the deposited plans place and maintain abutments and dig and make foundations in the River Conway and on the lands on each side and make dams and drive piles in the channel of the said river during the execution of the works and occupy and take the bed of the channel for those purposes and cut level embank and secure the banks of the river and cut remove scour take and carry away all trees beds of gravel sand mud and other impediments in the river and subject as aforesaid the Company as part of and for the purposes of making the works may make junctions and communications with any existing roads or paths intersected or interfered with by or contiguous to the works and may divert or alter the lines or levels of existing roads or paths for the purpose of connecting the same with the works making compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the works authorised by this section below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained and shall be executed in manner approved by the Board of Trade.

Limited period for completion of works.

32. The works shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Provision as to repair of approach roads.

33. When and so soon as the works are completed and opened for public traffic the approach roads by this Act authorised shall from time to time thereafter be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other highways within the parishes respectively in which

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such roads will be situate are from time to time liable to be repaired or maintained.

Question of completion of the works to be decided by two justices.

34. If any question shall arise between the Company and any of such parties as to the due completion of the works such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of the works shall be conclusive evidence of the fact so certified.

Acquisition of ferry.

35. Before the Company open the works for public traffic it shall be obligatory on them to acquire from the owner or owners of the ferry called Talycafn Ferry the said ferry and all rights and privileges connected therewith on such terms and conditions and for such consideration as have been or may be agreed upon between them and the said owner or owners of the said ferry or failing such agreement then on payment of such compensation as shall be settled in the manner provided by the Lands Clauses Acts for the settlement of disputed compensation The amount of such consideration shall be set forth in a deed duly executed which shall be stamped with an ad valorem conveyance duty and when and so soon as the said ferry shall become vested in the Company they shall be entitled to exercise all rights of ferry and other rights and privileges connected therewith in lieu of the owner or owners and the Company shall be entitled to continue to carry on the said ferry or to discontinue and extinguish the same as they shall in their absolute discretion think fit but they shall not close the said ferry before the works are completed and open for public traffic.

For the protection of Beatrice Sophia Gough and others.

36. No part of the settled estates in the parish of Caerhun in the county of Carnarvon of which Beatrice Sophia Gough is or claims to be tenant for life shall be purchased taken or acquired under the powers of this Act otherwise than upon and subject to the terms and conditions set forth in a certain agreement made the 6th day of April 1894 between the said Beatrice Sophia Gough of the one part and Griffith Griffith and Robert Jones two of the directors of the Company named in this Act of the other part.

Power to agree as to placing water mains &c. on bridge and approaches.

37. The Company may from time to time enter into and alter or rescind agreements with any company body corporate persons or person supplying water gas or electricity in the counties of Denbigh and Carnarvon or elsewhere for or with reference to the placing of water or gas mains or other mains pipes wires or apparatus in or upon the works or any part thereof for such consideration and upon

such terms and conditions as may be agreed on between the Company and such company body corporate persons or person aforesaid.

Agreement with the Llandudno Improvement Commissioners confirmed.

38. The agreement set forth in the schedule to this Act and made between Griffith Griffith Robert Jones and Ernest George Verity (three of the first directors of the Company named in this Act) on behalf of the Company of the one part and the Llandudno Improvement Commissioners of the other part is hereby confirmed and made binding on the Company of the one part and the Commissioners of the other part and shall be carried into effect accordingly.

Restriction on taking houses of labouring class.

39. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to erect toll-gates &c. and to take tolls.

40. The Company may cause to be erected and set up a toll-gate or toll-gates at or upon the bridge or at or upon the approach roads by this Act authorised and from time to time may remove such toll-gate or toll-gates and erect and set up another or others in lieu thereof at any place or places upon any part of the bridge or roads respectively and may from time to time erect provide and maintain such toll-houses and other conveniences near or adjoining to any such toll-gate or toll-gates as the Company shall think proper and tolls for passing or going upon the bridge not exceeding those herein-after authorised may be demanded and taken at any toll-gate by such person or persons as the Company or any assignee or lessee of the tolls shall from time to time appoint of which appointment a certificate in writing signed by the secretary or clerk of the Company or such assignee or lessee as the case may require shall for all purposes be sufficient evidence.

Maximum amount of tolls.

41. The tolls which the Company from time to time may demand and take shall not exceed the following (that is to say):—

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For every foot passenger (except the person actually driving or accompanying any waggon wain cart or other such carriage not being a cart or carriage usually employed for the conveyance of passengers) the sum of twopence;

For every person who shall ride in or upon any waggon wain cart or other carriage not being a carriage usually employed for the conveyance of passengers or who shall ride upon any horse or beast drawing any such waggon wain cart or carriage the sum of twopence;

For every horse or other beast drawing any coach stage coach omnibus van break caravan landau cab fly barouche phaeton chair gig chaise waggon wain dray or other carriage cart or vehicle (by whatever names known respectively)—

with two wheels the sum of one shilling;

with four wheels the sum of one shilling and sixpence;

For every horse or other beast drawing any sledge drag timber-carriage dray or other vehicle or load without wheels the sum of two shillings;

For every hearse the sum of five shillings;

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

For every head of oxen or neat cattle the sum of threepence;

For every drove of calves not more than a year old pigs sheep lambs or goats the sum of one shilling per score and so in proportion for any greater or less number;

For every drove of geese or turkeys the sum of sixpence per score and so in proportion for any greater or less number;

For every hand-cart truck barrow perambulator or like cart drawn or propelled by hand the sum of threepence;

For every velocipede bicycle tricycle or thing of the like nature (by whatever names known respectively) constructed to carry—

one person only the sum of fourpence;

more than one person the additional sum of threepence in respect of each such person:

And the said tolls shall be paid before any such person or any such animal or any such carriage cart velocipede or other thing as aforesaid shall be entitled to pass through any such toll-gate and the said tolls shall be and the same are hereby vested in the Company for the purposes of this Act.

Exemptions from toll.

42. Provided always that no toll shall be demanded or taken—

(1) For any horses or carriages attending Her Majesty or any of the Royal Family or returning after having so attended;

(2) For any person horse or carriage or other vehicle of whatever description employed in conveying or guarding postal packets

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under the authority of Her Majesty's Postmaster-General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same or for any horse beast of burden traction engine or vehicle belonging to or for the time being employed in the service of Her Majesty The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884;

(3) For any officer or soldier of Her Majesty's regular forces upon march or upon duty or any seaman under arms coast-guardsman on duty or any Government official or employée of any kind whether in uniform or not when engaged in Her Majesty's service or for any prisoners under military escort or for any carriages and horses belonging to or hired for or otherwise employed in conveying any such persons on duty or returning from conveying the same;

(4) For any animal or carriage attending soldiers with their arms and baggage or returning after having been so employed;

(5) For any cavalry or artillery horses or any guns or tumbrils or other artillery waggons or vehicles;

(6) For any waggon wain cart or other carriage or any animal drawing the same which is employed in conveying any arms or munitions of war or ordnance or commissariat or other public stores of or belonging to Her Majesty or to or for the use of Her Majesty's forces or any materials or men for Government works;

(7) For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps upon their march or upon duty or in going to or returning from the place appointed for and on the days of exercise;

(8) For any horse furnished by or for or belonging to any officer of Her Majesty's regular auxiliary or reserve forces or to any corps of yeomanry or volunteer cavalry and ridden by such officer on duty or by a member of such corps dressed in the uniform of the corps in going to or returning from the place appointed for and on the days of exercise;

(9) For any officer of customs or Inland Revenue on duty;

(10) For any policeman on duty;

(11) For any animal or carriage employed only in conveying any vagrant sent by a legal pass or any prisoner sent by a legal warrant or returning empty after being so employed:

Provided that the provisions of this section shall be in addition to and not in derogation of any exemption existing under the Army

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Act 1881 or any other Act relating to Her Majesty's regular reserve or auxiliary forces or existing by virtue of Her Majesty's prerogative:

And if any person shall wilfully or with intent fraudulently to evade the payment of a lawful toll claim or take the benefit of any of the exemptions by this Act granted not being entitled to the same every such person for every such offence shall forfeit and pay to the Company any sum not exceeding forty shillings.

Traction by steam electricity machinery &c. prohibited.

43. No carriage or vehicle propelled or moved by the power of steam electricity or machinery or by any means other than animal power (except any such carriage employed in the service of Her Majesty) shall cross the bridge excepting with the consent of the Company and on payment of such toll as they may demand Provided that the Company shall be at liberty to refuse the passage over the bridge of any carriage or other vehicle of any kind if they consider the structure of the bridge thereby endangered.

Tolls to be paid each time of passing.

44. The tolls by this Act authorised to be taken shall be paid for every time of passing or repassing over or going upon the bridge Provided that if the Company erect or set up more than one toll-gate the payment of toll at any one of such gates shall free the other or others of such gates Provided further that if only one toll-gate is set up the said tolls shall be payable and be paid whether the person or animal carriage cart velocipede or other thing going upon the bridge actually passes through such toll-gate or not.

Table of tolls to be put up.

45. When any toll-gate shall be erected by virtue of this Act the Company shall and they are hereby required to put up or cause to be put up and afterwards to be continued at such toll-gate a table painted in distinct and legible black letters on a board with a white ground containing a list distinguishing the several tolls to be paid by virtue of this Act and to renew such board whenever any of the letters or figures thereof shall be worn out defaced or obliterated and it shall not be lawful for the Company to demand or take or cause to be demanded or taken any tolls except for and during such time as the board so painted as aforesaid shall remain affixed to such toll-gate.

Locomotive Act 1861 to apply to bridge and roads.

46. The clauses and provisions of the Locomotive Act 1861 with respect to tolls and all other matters shall apply to the works by this Act authorised but not so as to authorise the Company to demand or take toll for any locomotive or for any vehicle drawn or propelled thereby employed in the service of Her Majesty.

Power to stop any person refusing to pay toll.

47. If any person subject to the payment of the tolls hereby made payable or any of them shall after demand made thereof by any collector appointed to receive the same 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 shall think necessary to stop and prevent the passage of the person so neglecting or refusing or of the horse beast or cattle for or in respect of which such tolls ought to be paid until full payment thereof.

Penalty for evading toll.

48. If any person subject to payment of the tolls hereby made payable shall—

(*a*) fraudulently or forcibly pass over the bridge or through any toll-gate without having paid the said tolls or shall assault interrupt or obstruct any person employed in the collection of the said tolls; or

(*b*) take off or cause to be taken off any horse or other beast from any carriage at or near to any toll-house or gate to be erected or set up by virtue of this Act and afterwards put or add the same after having passed such toll-house or gate as aforesaid with intent to evade and thereby shall evade or endeavour to evade the payment of any part of the said tolls or shall forge counterfeit or alter or receive from or deliver to any other person or persons any note or ticket with intent to evade or to enable or assist any other person or persons to evade the payment of any part of the said tolls;

every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings.

Power to vary tolls.

49. It shall be lawful for the Company from time to time to lessen or reduce all or any of the tolls hereby authorised for such time as they shall think proper and to raise again the tolls so lessened or reduced or any part thereof so that the same do never exceed the tolls herein-before authorised and the tolls so lessened or reduced or raised again shall be collected and recovered in the same manner as the tolls hereby authorised are authorised or directed to be collected and recovered.

Tolls to be charged equally.

50. The tolls to be taken by virtue of this Act shall at all times be charged equally and after the same respective rate upon all persons passing over or using the bridge and in respect of all horses beasts cattle and carriages of whatsoever description and no reduction or advance of the said tolls shall either directly or indirectly be made partially or in favour of any particular person or party but every such reduction or advance of tolls shall extend and take place in respect of the same description of beasts cattle and carriages and to all persons or parties whomsoever passing over or using the bridge.

Power to compound for bridge tolls.

51. The Company may compound and agree with any person or persons using the said bridge for the payment of any sum either

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daily or weekly monthly quarterly or yearly by way of exemption or composition in lieu of the tolls by this Act payable for the use of such bridge Provided always that if the Company shall make any such composition by way of exemption with any person they shall be compellable to make the same composition by way of exemption with every other person desiring to compound for the payment of such tolls for the like period and under similar circumstances.

For preventing toll collectors taking undue tolls or misbehaving.

52. Every toll collector shall and he is hereby required to place his christian and surname painted on a board in legible characters on the front or on some other conspicuous part of the toll-house or toll-gate immediately on his coming on duty each of the letters of such name or names to be at least two inches in length and of a breadth in proportion and painted in black letters on a board with a white ground and shall continue the same so placed during the whole time he shall be on duty and if any toll collector shall not place such board and keep the same there during the time he shall be such collector as aforesaid or shall demand or take a greater or less toll from any person than he shall be authorised to do by virtue of the powers of this Act or of the orders of the Company made in pursuance thereof or shall refuse to permit or suffer any person to read or shall in anywise hinder any person from reading the inscriptions on the said board or upon the table of tolls by this Act required to be put up at any toll-gate of the Company or shall refuse to tell his christian or surname to any person who shall demand the same on having paid the said tolls or any of them or shall in answer to such demand give a false name or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any toll-gate then and in every such case every such toll collector shall forfeit and pay such sum not exceeding forty shillings for every such offence as the court of summary jurisdiction before whom the complaint shall be heard shall adjudge.

For settling disputes concerning tolls.

53. In case any dispute shall happen about the amount of toll due such amount may be ascertained by a court of summary jurisdiction for the county of Denbigh or for the county of Carnarvon which court upon application made for that purpose shall have power to determine the amount of the toll due and other matters in dispute between the parties and may also award such costs to be paid by either party to the other as to such court shall seem just and reasonable.

Power to lease the tolls.

54. It shall be lawful for the Company to lease or demise all or any of the said tolls for any term of years not exceeding three years

at any one time for such rent payable at such times and under such covenants and upon such conditions as they shall think fit.

Lessees to be deemed collectors.

55. During the continuance of any such lease the respective lessees named therein and also all persons appointed by them to collect the tolls so let shall be deemed collectors of the tolls so let and they shall have the same power to collect and recover such tolls and be subject to the same rules duties and penalties in reference thereto as if they had been appointed for that purpose by the Company.

Power to determine lease of tolls.

56. If any such lease shall have become void or voidable according to any stipulations therein contained for that purpose by reason of the failure on the part of the lessee to comply with any of the terms of such lease or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall have become payable the Company may determine such lease and the same shall accordingly be utterly void except as to the remedies of the lessors for payment of the rent due or in respect of unperformed or broken obligations or conditions on the lessee's part all which remedies shall remain in full force and in every such case the Company may again let the tolls to the same or any other person or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Lessees making default to be removed.

57. Upon the determination of any such lease any court of summary jurisdiction upon application made by the Company may order any constable with proper assistance to enter upon any toll-house dwelling-house office weighing machine or other building with the appurtenances thereto belonging to the Company and remove from the same the lessee or collector or other person found therein together with his goods and take possession of such toll-house dwelling-house office weighing machine or other building with the appurtenances thereto belonging and of the property found therein belonging to the Company and deliver the same to any person appointed by them to receive the same.

Company or lessees may remove collectors and appoint temporary collectors.

58. When and so often as any collector or receiver of the tolls shall die or neglect or refuse to perform or become incapable of performing his duty or shall abscond or absent himself it shall be lawful for the Company or the lessee of the tolls as the case may be to discharge such collector or receiver so neglecting or refusing to perform or becoming incapable of performing his duty or absconding or absenting himself and to nominate and appoint some other fit and proper person to be a collector or receiver of the said tolls in the stead of such collector or receiver who shall so die or be discharged and such person so nominated and appointed shall be vested

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with the like power and authority and be answerable and accountable in like manner in all respects as the collector or receiver who shall so die or be discharged would have been and if any collector or receiver of the said tolls who shall be discharged from his office by virtue of this Act or the widow or any of the children family or other representatives of any collector or receiver who shall die or be discharged or any other person who may have the possession of any toll-house or building or any premises appurtenant thereto to be erected set up or used by virtue of this Act shall neglect or refuse to deliver up the possession thereof for the space of seven days next after demand thereof made by notice in writing signed by the secretary or clerk of the Company or by such lessee for that purpose given to such collector or receiver or other person or persons or left at such toll-house building or premises then and in every of the said cases it shall be lawful for any court of summary jurisdiction for the county of Denbigh or for the county of Carnarvon by warrant under their hands and seals to order any constable or other peace officer for such county respectively with such assistance as may be necessary to enter into such toll-house or other building or premises in the day time and to remove the persons who shall be found therein together with their goods out of the same and put the Company or the lessee or such newly appointed collector or receiver or such other person as they or he shall appoint as aforesaid into the possession thereof.

If discharged collectors refuse to deliver up toll-houses court of summary jurisdiction may grant warrant and constables may enter and remove them.

For preventing nuisances on the bridge and roads.

59. If any person shall wilfully or negligently injure destroy or otherwise damage or shall ride or drive or lead any horse beast cattle or carriage over or upon any footpath or causeway on the side or sides of any part of the bridge or roads or shall wilfully obstruct the passage thereof or if any driver of any waggon or other carriage shall wilfully or carelessly break or damage any of the posts or stones which may be erected for the security of the said footpaths or causeways or if any person shall scrape off any mud soil or other matter or thing which shall be or lie upon any part of the bridge or roads so as to damage the bridge or roads or any part thereof or if any person shall leave any waggon wain cart or other carriage or any plough harrow or other implement of husbandry (without some reasonable cause to be allowed by the court of summary jurisdiction which shall hear any such complaint or except with regard to such waggon wain cart or other carriage during such reasonable time as the same shall be loading or unloading and standing as near to the side of the road as conveniently may be) in upon or on the sides of the bridge or roads either with or without any horse or beast harnessed or yoked thereto or shall lay any timber wood or bushes or any stones bricks hay straw lime dung manure soil or rubbish

whatsoever upon any part of the bridge or roads or on the side or sides thereof to the prejudice thereof or to the annoyance of any person travelling thereon every person so offending shall for every such offence forfeit and pay any sum not exceeding forty shillings.

Damages and charges in case of dispute to be settled by a court of summary jurisdiction.

60. In all cases wherein damages or charges are by this Act directed or authorised to be paid and the manner of ascertaining the amount thereof is not specified or provided for such amount in case of non-payment thereof or any dispute respecting the same shall be ascertained and determined by a court of summary jurisdiction for the county of Denbigh or for the county of Carnarvon.

Recovery and application of penalties &c.

61. All offences under this Act and all penalties and forfeitures damages charges tolls and costs inflicted imposed or ordered to be paid or payable under or by virtue of this Act may be taken cognizance of or recovered under the provisions of the Summary Jurisdiction Acts and all such penalties shall be paid to the Company unless the convicting justices shall think fit to award a portion not exceeding one moiety thereof to the informer.

For securing offenders whose names and places of abode are unknown.

62. It shall be lawful for any constable or toll collector or any officer or agent of the Company or their lessees and all such persons as he shall call to his assistance to seize and detain any person who shall commit any offence against this Act and whose name and place of abode shall be unknown to or who shall refuse to furnish his name and place of abode to such constable toll collector officer or agent and to convey him before a court of summary jurisdiction for the county of Denbigh or for the county of Carnarvon without any other warrant or authority than this Act and such court may deal with such offender as if he had been duly summoned or brought by warrant before them.

Power to make bye-laws.

63. The powers of the Company with respect to the making of byelaws shall extend to regulating the speed at which any carriage shall pass over the works to the use of the works and to preventing nuisances upon the works and such byelaws may if the Company think fit make provision for fixing the hours during which the bridge shall be open for public traffic Provided that the byelaws to be made under the powers by this section conferred shall be subject to the approval of the Local Government Board and the Company shall put up or cause to be put up and afterwards to be continued at each toll-gate erected by them under the powers of this Act a board with a white ground having printed or painted thereon in distinct and legible black letters a copy of the byelaws

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so made and approved and such byelaws shall thereupon be binding and conclusive on all persons.

County councils may contribute towards the undertaking.

64. The county councils or either of them may from time to time with the sanction of the Local Government Board pay to the Company by way of contribution towards the undertaking any sum or sums of money which they think fit or they may from time to time with the like sanction take and hold fully paid up shares or stock in the capital of the Company to such amount as they think fit.

Sale of undertaking to the county councils.

65. The Company may sell and transfer and the county councils or either of them may purchase from the Company the undertaking for such gross sum as may be agreed upon and thereafter the provisions of this Act shall have effect (mutatis mutandis) as if the county councils or either of them were named therein in substitution for the Company and such sale (if any) shall be carried through by a deed duly stamped.

Barge owners liable for damage done by their servants.

66. If and whenever any person having the care of any boat barge or other vessel navigated on the river wilfully carelessly or negligently causes or suffers any damage or injury to be done by such vessel to the bridge the owner of the vessel shall be liable to make satisfaction to the Company for all such damage or injury.

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

67. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of works by Board of Trade

68. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a

work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

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

Saving rights of the Crown in the foreshore.

70. 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 vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Interest on calls not to be paid out of capital.

71. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

72. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act

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authorising the Company to construct or execute any other work or undertaking.

Cost of Act.

73. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

An Agreement made the 1st day of May 1894 between Griffith Griffith of Llican Isaf Tyn-y-groes near Conway in the county of Carnarvon Robert Jones of Tyn-y-borth Talycafn Eglwysfach in the county of Denbigh and Ernest George Verity of Burnham Abbey Burnham in the county of Bucks (three of the first Directors of the Talycafn Bridge Company named in the Act and herein-after referred to as "the Directors" and which Company is herein-after referred to as "the Company") of the one part and The Llandudno Improvement Commissioners (herein-after referred to as "the Commissioners") of the other part.

Whereas a Bill has been introduced into Parliament intituled "An Act to "authorise the making of a bridge over the River Conway in the counties of "Denbigh and Carnarvon at Talycafn and approach roads thereto and for "other purposes":

And whereas the Commissioners have deposited a petition against the Bill and have consented to withdraw the same on condition that this agreement is entered into for their protection Now these presents witness and it is hereby mutually agreed by and between the directors on behalf of the Company of the one part and the Commissioners of the other part as follows (that is to say):—

1. The Commissioners shall be at liberty to place water mains of a total area equal to a 15-inch pipe in diameter but not exceeding for any single main an area equal to a 9-inch pipe in diameter upon and over the bridge and the approach roads thereto.

2. The Commissioners shall pay to the Company in respect of such right the yearly rent or sum of 165*l.* per annum payable half-yearly on the first day of January and the first day of July in every year such rent to commence and begin to accrue from and after the expiration of one month from the time when the said bridge shall be constructed and ready to receive the said water mains and the Company shall have given notice thereof in writing to the Commissioners.

3. The Commissioners shall have full and free right and liberty of way and passage at all reasonable times and so as not unduly to interfere with the regular traffic over the bridge for themselves and their officers servants and workmen with or without horses and carts of all descriptions over and along the bridge and the approach roads for the purpose of (1) diverting their water mains and laying them to and upon the bridge and the approach roads (2) inspecting repairing and renewing the water mains on the bridge and

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approach roads and also for inspecting repairing and renewing so much of the water mains and pipes adjacent to the bridge as shall have been diverted from the existing line of the mains for the purpose of laying the said mains over the bridge as often as may be necessary.

4. The Commissioners shall have power to enter upon and break up at their own expense the said approach roads and roadway over the said bridge as far as shall be necessary for the purposes of clause 3 hereof taking all due precautions to avoid unnecessary damage thereto and shall at the like expense and to the satisfaction of the engineer of the Company restore and reinstate the approach roads and the said roadway after completing the work for which the Commissioners shall have entered upon and broken up the approach roads and roadway as aforesaid.

5. In case of the bursting of the mains or any or either of them on the said bridge and approach roads the Company shall be at liberty to cut off the water from the main so bursting giving immediate notice of such accident to the Commissioners and the Commissioners shall repair such main and also the bridge and approach roads if injured with all convenient speed and shall make good at their own expense to the Company all damage caused by the bursting or leaking thereof and any expenses to which the Company may have been put thereby and the Commissioners shall provide the Company with proper keys or similar apparatus for opening the boxes or other receptacles containing the valves cocks or taps of the said mains which boxes or receptacles shall be fixed at spots on the bridge or approach roads to be approved by the engineer of the Company Provided that the Company its officers servants or workmen shall not open such boxes or receptacles except in case of such accident happening as aforesaid or other emergency.

6. The Commissioners shall lay and maintain their mains on the said bridge and approach roads at their own expense and to the reasonable satisfaction of the engineer of the Company and the Company shall provide and for ever maintain to the reasonable satisfaction of the engineer of the Commissioners a proper covered receptacle for the said mains on the said bridge and approach roads such receptacle to be placed in such position as shall be decided upon by the engineer of the Company.

7. In case the bridge or approach roads shall be damaged or destroyed by flood tempest or other act of God the Company shall not be liable to the Commissioners for any damage or expense thereby occasioned to the Commissioners nor be under any liability whatever to reinstate or re-erect or reconstruct the bridge or approach roads Provided that in the event of the bridge being destroyed as aforesaid the rent hereby reserved shall abate until such period as the bridge shall be reinstated re-erected or reconstructed when it shall again become payable.

8. The Commissioners shall lay the said mains and execute such other works as they are by this agreement authorised to execute on the bridge and approach roads in such manner so as not to unduly interfere with or obstruct the regular traffic over the bridge.

9. This agreement shall continue for the term of 30 years from the date when the said rent hereby reserved shall begin to accrue and on the expiration

thereof for a further term of 30 years and so on in perpetuity unless the Commissioners give to the Company six calendar months previous notice in writing of their intention to determine the same at the end of the first or any subsequent period of thirty years.

10. If the Commissioners shall on or before the first day of August 1894 send to the Company or to the office of Walter Cyrus Broadbridge of 31 Golden Square London a notice in writing by registered letter that they are not desirous of placing their water mains on the said bridge and approach roads then this agreement shall be void and of no effect.

11. This agreement is made subject to the sanction of Parliament and to such alterations as Parliament may see fit to make therein.

In witness thereof the directors have hereunto set their hands and seals and the Commissioners have affixed their common seal the day and year first above written.

Signed sealed and delivered by the above-named Griffith Griffith and Ernest George Verity in the presence of

WALTER C. BROADBRIDGE
31 Golden Square London W.
Solicitor.

GRIFFITH GRIFFITH. L.S.

ERNEST G. VERITY. L.S.

Signed sealed and delivered by the above-named Robert Jones in the presence of

WILLIAM ROBERTS
Llwydfaen
Nr. Conway.

ROBERT JONES. L.S.

The common seal of the Llandudno Improvement Commissioners was hereto affixed in the presence of

JOHN JONES *Chairman.*
A W. CONOLLY *Clerk.*

L.S.

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