



CHAPTER xxvii.

An Act for incorporating the Great Orme Tramways Company and for authorising the Company to make and maintain a Tramway and Tramroad from Llandudno to or near the summit of the Great Ormeshead in the county of Carnarvon. A.D. 1898.
[23rd May 1898.]

WHEREAS the making and maintaining of a tramway and tramroad from Llandudno to or near the summit of the Great Ormeshead in the county of Carnarvon would be of local and public advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct such tramway and tramroad if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided :

And whereas plans and sections showing the lines and levels of the tramway and tramroad authorised by this Act 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 were duly deposited with the clerk of the peace for the county of Carnarvon and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act cannot be attained 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

A.D. 1898. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PRELIMINARY.

Short title. 1. This Act may be cited as the Great Orme Tramways Act 1898.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 (except section 43 of the said Act) and the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under and near to the railway are so far as they are applicable to and except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (unless the context otherwise requires) the same respective meanings And in this Act—

The expression “Company” means the Company incorporated by this Act;

The expression “the tramways” and “the undertaking” means respectively the tramway and tramroad and the undertaking by this Act authorised;

“Mechanical power” includes electric and every other motive power not being steam or animal power;

The word “contingencies” in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking or any part thereof being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company;

For the purposes of this Act the expression “the railway” in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall mean the tramways.

INCORPORATION OF COMPANY. CAPITAL. DIRECTORS.

Company incorporated. 4. Richard Conway John Jones Stephen Dunphy James Lanham Mayger George Alfred Humphreys and all other persons who have already subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and

assigns respectively are hereby united into a Company for the purpose of making and maintaining the tramways and works and for other purposes of this Act and for those purposes are hereby incorporated by the name of "The Great Orme Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

A.D. 1898.

5. The capital of the Company shall be twenty-five thousand pounds in five thousand shares of five pounds each.

Capital and number and amount of shares.

6. 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.

Shares not to be issued until one-fifth paid.

7. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls on shares.

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

Receipt in case of persons not sui juris.

9. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole six thousand two hundred and fifty 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 to whom the same was issued or their executors administrators successors or assigns and that such persons 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.

Power to borrow.

A.D. 1898.

For appointment of a receiver.

10. The mortgagees of the Company 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 not to be created.

11. The Company shall not create debenture stock.

Priority of mortgages over other debts.

12. All money to be raised by the Company on mortgage 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 rentcharge 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 which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Mortgage to comprise purchase money paid on compulsory sale.

13. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale of the tramways to the local authority and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Application of moneys.

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

First and subsequent meetings of Company.

15. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of January or February and July or August as the directors may appoint.

Number of directors.

16. The number of the directors shall be five but the Company may alter the number provided that the number be never more than seven nor less than three.

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

Qualification of directors.

18. The quorum of a meeting of directors shall not be less than three.

Quorum of directors.

19. Richard Conway John Jones Stephen Dunphy James Lanham Mayger and George Alfred Humphreys 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 At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act 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 being if they continue qualified eligible for re-election At the first ordinary meeting to be held in every year after the year in which the first ordinary meeting is held the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying 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.

First directors and subsequent election of directors.

CONSTRUCTION AND WORKING OF TRAMWAYS.

20. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the tramway tramroad works and conveniences herein-after described and may for the purposes of this Act enter on take and use all or any of the lands delineated on the said plans and described in the deposited book of reference The tramway tramroad works and conveniences herein-before referred to and authorised by this Act are—

Power to make tramways.

A tramway (single line) 3 furlongs and 6·00 chains in length wholly situate in the parish and urban district of Llandudno in the county of Carnarvon commencing in the town of Llandudno at a point in the yard adjoining Victoria House in the Old Road twenty yards or thereabouts measured in a south-westerly direction from the centre of the said Old Road at its junction with the street known as Church Walks and terminating at a point eighty yards or thereabouts measured

A.D. 1898.

in a southerly direction from the south-east corner of the field No. 78 on the Ordnance Map 1887 (scale $\frac{1}{2500}$) of the said parish of Llandudno the said field being adjacent to the Penymynydduchaf Farm House :

A tramroad (single line) 4 furlongs and 0·80 chains in length wholly situate in the parish and urban district of Llandudno in the county of Carnarvon and commencing at the termination of the tramway above described and terminating at a point one hundred and ten yards or thereabouts measured in a south-westerly direction from the south-west corner of the building known as the "Telegraph" beer house situate in the said parish of Llandudno and near the summit of the Great Ormeshead.

Period for compulsory purchase of lands.

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

Power to grant easements &c.

22. 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 persons other than the grantors 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 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.

Power to acquire additional lands by agreement.

23. The Company may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) purchase by agreement and hold any land not exceeding in the whole five acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Restriction on taking houses of labouring class.

24. 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. A.D. 1898.

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 such persons who may be residing with them.

25. The tramways shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

26. The tramways shall be constructed on a gauge of three feet and six inches Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways. Gauge of tramways.

27. The rails of the tramways shall be such as the Board of Trade approve. As to rails of tramways.

28. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

29. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any street or road for the purpose of constructing laying down maintaining or renewing the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the same and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of the tramways or any part thereof respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act. Further provisions as to construction of tramways.

A.D. 1898.

Penalty for
not main-
taining rails
&c. in proper
order.

30. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure on which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways
to be kept
on level of
surface of
roads.

31. If and whenever after the passing of this Act any road authority alters the level of any street or road along or across which any part of the tramways is laid or authorised to be laid by the Company the Company may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Application
of road
materials
excavated
in con-
struction of
tramways.

32. Any paving metalling or material excavated by the Company in the construction of the tramways from any street or road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the street or road and the maintenance for six months after completion of the tramways within the district of such road authority of so much of the roadway on either side of such tramway as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising

from the excavation of any such paving metalling or material and notice duly given by the Company such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined by arbitration.

33. The Company may subject to the provisions of this Act with the consent of the local and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any carriage or engine house warehouses goods sheds stables or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the street or road or (where there is no footpath) between it and each side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Power to
make
additional
crossings &c.

34. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriageway of which any portion of the tramways is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such portion of the tramways the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such portion of the tramways for such term as may be necessary for the execution of the said works Provided that the Company may subject to such conditions and in accordance in all respects with any regulations from time to time made by the road authority construct on the same or any adjacent street or road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the portion of the tramways so removed or discontinued.

Temporary
tramways
may be
made when
necessary.

A.D. 1898.

If any differences arise between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be determined by arbitration.

Agreements
between
Company
and local
and road
authorities.

35. The Company and any local or road authority may subject to the provisions of this Act enter into any agreements with respect to the mode of construction and to the maintaining working removing renewing repairing and using of the tramways along or across any street or road situate within the district of such local or road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over and along the same.

Power to
erect hotel
offices &c.

36. The Company may on any lands acquired by them under this Act erect and maintain an hotel at or near the termination of the tramroad at or near the summit and also offices stations waiting rooms refreshment rooms and other buildings and conveniences in connexion with and for the purposes of their undertaking.

Deposit
money not
to be repaid
until line
opened.

37. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of three hundred and eighty-three pounds and twelve shillings being five per cent. upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund) Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same

proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1898.

38. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit.

Application
of deposit.

If no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

A.D. 1898.
Provisions
as to motive
power.

39. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as “ the Board of Trade regulations ”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power :

(3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion—

(A) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special
provisions
as to use of
electric
power.

40. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works, of all descriptions and also in working their undertaking so as not injuriously to affect by

fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

- (3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

A.D. 1898.

(7) The expression "Company" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Company.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

41. All works to be executed by the Company in any street or road for working the tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

42. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere ;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

43. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the

provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised. A.D. 1898.

44. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board. Orders &c.
of the Board
of Trade.

45. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of
penalties.

46. In the event of the tramways being worked by electrical power the following provisions shall have effect:— For pro-
tection of
Postmaster-
General.

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and

A.D. 1898.

the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882: A.D. 1898.

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on the tramway of the Company and the expressions "tramways" and "undertaking" include any tramways worked or used by the Company.

47. The Company may demand and take for every passenger travelling on the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any rates or charges not exceeding sixpence for a single journey over the whole of the tramways or ninepence for a return journey with power for the Company to fix such less rates or charges for journeys over any portion of the tramways as they may see fit and with power also for the Company to fix additional rates or charges for the use of invalid carriages or for special accommodation. Rates for passengers.

48. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those for the time being levied by them on ordinary week days. Fares not to be raised on Sundays or holidays.

49. Every passenger travelling on the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience any other passenger. Passengers' luggage.

A.D. 1898.

List of rates to be exhibited.

50. A list of the rates and charges by this Act authorised to be taken for passengers travelling upon the tramways and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside only of each of the carriages used upon the tramways for the conveyance of passengers.

As to traffic other than passengers.

51. The tramways may be used for the purpose of conveying goods minerals and parcels as well as for conveying passengers but not for conveying animals.

Rates for merchandise.

52. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the London and North Western Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company in respect of the tramways as if the Company were a railway company named in the schedule to the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Small parcels.

53. The Company may demand and take for the conveyance of small parcels on the tramways including every expense incidental to the conveyance any rates not exceeding the rates following :—

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence :

Provided that no parcel shall exceed the weight of fifty-six pounds and that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Company not to use carriages constructed for use on railways.

54. The Company shall not use on the tramways carriages or trucks constructed for use on railways.

55. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870. If such referee report that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. Provided that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised. Provided also that a copy of this section shall be annexed to every table or list of rates and charges published or exhibited by the Company.

A.D. 1898.
Periodical
revision of
rates.

56. The rates and charges by this Act authorised to be demanded and taken by the Company in respect of the tramways shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

As to mode
and payment
&c. of tolls.

MISCELLANEOUS ENACTMENTS.

57. For the protection of the Llandudno Urban District Council (herein-after called "the council") the following provisions shall have effect (that is to say):—

For pro-
tection of
Llandudno
Urban
District
Council.

- (1) The council may if by resolution passed at a special meeting they so decide within six months after the expiration of a period of twenty-eight years from the passing of this Act and within six months after the expiration of every subsequent period of seven years or within three months after any order made by the Board of Trade under section 41 or section 42 of

A.D. 1898.
—

the Tramways Act 1870 by notice in writing require the Company to sell and thereupon the Company shall sell to them their undertaking upon terms of paying a price equal to twenty-eight years' purchase of an aggregate dividend or return calculated at the rate of four and a half per cent. on the total capital of the Company actually invested in their undertaking at the time of purchase and properly expended on capital account. When any such sale has been made all the rights powers and authorities of the Company in respect to the undertaking sold or where any order has been made by the Board of Trade under either of the said sections all the rights powers and authorities of the Company previous to the making of such order in respect to the undertaking sold shall be transferred to and vested in and may be exercised by the council in like manner as nearly as may be as if the tramways were constructed by the council under the powers of this Act and in reference to the same they shall be deemed to be the Company :

- (2) No such resolution of the council shall be valid unless a month's previous notice of the resolution shall have been given in manner in which notices of meetings of the council are usually given nor unless two-thirds of the members of the council present and voting concur in the resolution :
- (3) When and so soon as the Company shall have declared and paid a dividend on their ordinary share capital at the rate of not less than five pounds per centum per annum but less than seven pounds ten shillings per centum per annum the council may require the Company (if such a service is not then in operation) to maintain a daily service of cars over the tramway and tramroad by this Act authorised throughout at least eight months of the year and when and so soon as the Company shall have declared and paid a dividend at the rate of seven pounds ten shillings per centum per annum or upwards the council may similarly require the Company to maintain such service throughout the year and the Company shall comply with any such request whenever and so long as they continue to pay dividends at the respective rates aforesaid :
- (4) The Company shall on each and every day (Sundays Christmas Day and Good Friday excepted) in every week during which the tramway and tramroad are open for public traffic run carriages available for workmen at such times as shall be agreed between the Company and the council or as in default of agreement shall be settled by arbitration at a sum not exceeding for the return journey over the whole of the

tramway and tramroad by this Act authorised one shilling and sixpence per week for each workman :

- (5) The Company shall not without the consent of the council in writing under their common seal run any carriages on Sundays :
- (6) The Old Road from the King's Head to the Iron Gate shall be widened by and at the expense of the Company to a width of at least sixteen feet and such widening shall be executed to the reasonable satisfaction of the council :
- (7) In laying down the tramway in Old Road the Company shall at the request of the council and to the reasonable satisfaction of their engineer provide a passing place or refuge for vehicular traffic between Plas Road and Tabor Hill such passing place or refuge to be not less than eighteen feet in length with a space of at least ten feet between the nearest rail of the tramway and the inner side of the passing place or refuge :
- (8) Before laying down the tramway in Tygwyn Road the Company shall at their own expense and to the reasonable satisfaction of the council widen the roadway between the points B and C shown on the deposited plans and sections to a width of at least twenty-three feet and also provide a footpath of not less than three feet in width. Provided that it shall not be obligatory on the Company to lay such footpath on the same level as the road. Provided also that the Company shall not interfere with the covered storage tanks or reservoirs or the pipes or connections therewith on the land immediately adjoining Tygwyn Road between the said points B and C :
- (9) If any of the tramways require alteration in consequence of any improvement or alteration having taken place in any road along which such tramway is laid the Company shall at their own cost make such alterations as the council may deem necessary and if the Company fail to make such alterations within three months after being required so to do the council may themselves make such alterations and execute the works connected therewith and recover the costs thereof from the Company :
- (10) The council may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Company who shall in performing the same remove the snow or other matter from off the centre of the road into the channel at the side thereof and any dirt or other material or thing removed by the Company their officers or servants from the grooves of the

A.D. 1898.

rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company :

(11) The Company shall if required by the council provide and maintain at least one waiting room for passengers in a situation on the route of the tramways to be agreed between the council and the Company :

(12) In case the Company between sunset and sunrise use on the tramways any carriage they shall be bound to fix and maintain one light at least in front of such carriage and one light at least in the rear of such carriage of such distinctive colours and of such illuminating powers as may be approved by the council and unless such lights shall be so placed as to light up the inside of the carriages as well as the outside a sufficient light shall be placed inside each carriage :

(13) The council may from time to time make under and according to the provisions of section 46 of the Tramways Act 1870 byelaws for the following purpose in addition to the purposes in the said section mentioned (that is to say) :—

For regulating the nature and form of advertisements to be exhibited on any part of any engine carriage or other vehicle used upon the said tramways :

(14) Any difference which arises between the Company and the council or any surveyor or other person under any of the provisions of this Act shall be deemed a matter in difference within section 33 of the Tramways Act 1870 and the provisions as to arbitration of the said section and of this Act shall apply accordingly.

Agreements
as to supply
of electrical
or other
power.

58. The Company may enter into and carry into effect agreements with the Llandudno Urban District Council or with any corporation company body or person for the time being authorised to supply electricity under the Electric Lighting Acts for the supply to the Company of electrical or other power for any purpose connected with the undertaking but such agreements shall in all respects be subject to the approval of the Board of Trade.

Agreements
as to water
supply:

59. The Company may enter into and carry into effect agreements with the Llandudno Urban District Council for the purchase of water from that council for any purposes of or connected with their undertaking and also if thought expedient for sale to the public Provided always that the Company shall not be deemed to be a water company for the purposes of section 52 of the Public Health Act 1875.

60. For the protection of the Right Honourable Llewelyn Nevill Vaughan Baron Mostyn or other the owner for the time being of the lands at and near Llandudno of which the said Baron Mostyn is the present owner (all of whom are in this section included in the designation of "Lord Mostyn") the following provisions shall unless otherwise agreed between Lord Mostyn and the Company be observed and have effect (that is to say):—

A.D. 1898.
—
For protection
of Lord
Mostyn.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not take or acquire from Lord Mostyn any lands shown on the said plans except so much as shall be necessary for the construction of the tramroad and so much at or near the commencement of the tramway (Work No. 1) and the termination of the tramway (Work No. 1) as shall be reasonably required for the construction of the stations offices refreshment rooms sidings passing places engine houses and buildings necessary for the purposes of the undertaking and so much between the commencement and termination of the tramway as may be necessary for the widening of the existing roads and so much at or near the termination of the tramroad (Work No. 2) as is comprised in No. 21 on the deposited plans in addition to such land (if any) as shall be necessary for the construction of one hotel station offices refreshment room and buildings necessary for the purposes of the undertaking and the extent and situation of the land to be taken for such last-mentioned purposes if not agreed between Lord Mostyn and the Company shall be determined by arbitration as herein-after provided:
- (2) Notwithstanding anything contained in this Act the Company shall not in constructing the tramroad deviate beyond the limits thereof shown on the deposited plans and if and so far as the tramroad shall be constructed upon any existing track or roadway the Company shall make to the reasonable satisfaction of Lord Mostyn substituted tracks or roadways suitable for the purposes for which the existing tracks or roadways are used:
- (3) The Company shall at all times when and where reasonably required by Lord Mostyn construct and maintain crossing places over the tramroad for foot horse and vehicular traffic for the purpose of communication between the lands of Lord Mostyn on either side of the tramroad or between lands of Lord Mostyn and other adjoining lands:
- (4) All buildings erected by the Company under the powers or for the purposes of this Act on any lands acquired by them from Lord Mostyn under the powers of this Act shall be

A.D. 1898.

erected to the reasonable satisfaction of Lord Mostyn and only in accordance with such plans elevations and designs and in such manner and of such materials as shall be reasonably approved by Lord Mostyn :

- (5) No furnace chimney or other similar building shall be erected nearer to Llandudno than the point marked B on the deposited plans :
- (6) The Company shall make provision for the conveyance at a reasonable and fixed charge and in a decent and seemly manner of corpses for interment in the St. Tudno Cemetery :
- (7) All slopes of embankments and cuttings on the tramways shall be finished off and where practicable turfed by the Company to the reasonable satisfaction of Lord Mostyn or his surveyor :
- (8) If any difference shall arise between Lord Mostyn and the Company under this section or as to anything to be done or not to be done thereunder such difference shall unless otherwise agreed be determined by arbitration under and in accordance with the provisions of the Arbitration Act 1889.

Provisions
as to arbi-
tration.

61. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is to be determined by arbitration the same shall be referred to a person nominated by the Board of Trade subject to the provisions of the Arbitration Act 1889.

Form and
delivery of
notices.

62. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect viz. :—

- (1) Every notice shall be in writing and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk :
- (2) Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company as the case may be or by being sent by post in a prepaid letter addressed to their respective clerk or surveyor at their principal office.

Interest not
to be paid
on calls
paid up.

63. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him Provided always that 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.

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

A.D. 1898.

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

65. Nothing herein contained shall be deemed or construed to exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Act.

Provision
as to general
Tramway
Acts.

66. All costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act shall be paid by the Company.

Costs of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.