



## CHAPTER ccxxxviii.

An Act to authorise the construction of Tramways in the parish of Wallasey, in the county of Chester; and for other purposes.

A.D. 1878.

[16th August 1878.]

**W**HEREAS the construction of the tramways by this Act authorised would be of public and local advantage :

And whereas it is expedient that the persons herein-after named should be incorporated into a company, and should be empowered to construct the said tramways and to execute the undertaking authorised by this Act, subject to the provisions herein-after contained :

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act, and also books 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 of the tramways, were duly deposited with the clerk of the peace for the county of Chester, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes aforesaid 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 :

1. This Act may be cited as the Wallasey Tramways Act, 1878.
2. The Companies Clauses Consolidation Act, 1845 ;  
Part I. (relating to cancellation and surrender of shares) and  
Part II. (relating to additional capital) of the Companies  
Clauses Act, 1863 ;  
The Companies Clauses Act, 1869 ;

[Local.-238.]

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Short title.

Provisions of  
general Acts  
incorporated.  
8 & 9 Vict. c. 16.  
26 & 27 Vict.  
c. 118.  
32 & 33 Vict.  
c. 48.

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The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict.  
c. 18.  
33 & 34 Vict.  
c. 78.

Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act, 1870 ;

are, except where expressly varied by this Act, incorporated with and form part of this Act.

Interpreta-  
tion 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 the same respective meanings, unless there be something in the subject or context repugnant to such construction :

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

The expressions "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised ;

36 & 37 Vict.  
c. 76.  
37 & 38 Vict.  
c. 40.

The expression "the Railway Commissioners" shall mean the persons for the time being holding office as Commissioners under the Regulation of Railways Acts, 1873 and 1874, and any Acts continuing, altering, affecting, or amending the same ;

The term "person" shall include any corporation ;

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 ;

8 & 9 Vict.  
c. 16.

And the word "contingencies" in the Companies Clauses Consolidation Act, 1845, section 122, shall with reference to the Company be construed to include the contingency of the undertaking being sold, to the local authority under the Tramways Act, 1870, section 43, at a sum less than the aggregate amount of the capital and debts of the Company.

33 & 34 Vict.  
c. 78.

Company in-  
corporated.

4. William Busby, Daniel Busby, John Carson, Thomas Russell Lee, Harry Sheraton, 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 united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be incorporated by the

name of "The Wallasey 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, and their undertaking shall be called "The Wallasey Tramways."

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5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described, in the line and according to the levels and within the limits of deviation shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated upon the said plans and described in the deposited books of reference, and therein numbered 7 and 8 in the parish of Wallasey for the purposes of Tramway No. 4; 6, 7, 8, 9, 10, 11, 12, 13, and 14 in the said parish of Wallasey for the purposes of Tramway No. 6; 23 and 24 in the said parish of Wallasey for the purposes of Tramway No. 11; 28 in the said parish of Wallasey for the purposes of Tramway No. 12; and 30 in the said parish of Wallasey for the purposes of Tramway No. 14, as may be required for that purpose.

Power to  
make tram-  
ways ac-  
cording to  
deposited  
plans.

The tramways herein-before referred to and authorised by this Act are the following, and consist of a single line of tramway only in each case; (namely,)

A tramway, No. 1, one furlong six chains and seventy-five links in length, situate wholly in Church Road, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, commencing at the east end of Church Road, at its junction with Victoria Road, and terminating in Church Road, in the township of Poulton-cum-Seacombe, at a point eighty links or thereabouts south of the junction of Church Road with Victoria Road;

A tramway, No. 1A, seven chains and fifty links in length, situate wholly in Church Road, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, commencing at the east end of Church Road, at its junction with Victoria Road, and terminating by a junction with Tramway No. 1 in Church Road, at a point one and a half chains or thereabouts north of the northern entrance gate to Saint Paul's Church, Seacombe;

A tramway, No. 2, four furlongs three chains and ten links in length, situate wholly in the township of Poulton-cum-Seacombe, in the parish of Wallasey, commencing by a junction with Tramway No. 1 in Church Road, at a point eighty links

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- or thereabouts south of the junction of the northern end of Church Road with Victoria Road, and terminating in Liscard Road, at a point fifty links or thereabouts north of the centre of Falkland Road ;
- A tramway or passing-place, No. 2A, three chains in length, wholly situate in Victoria Road, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, east of the junction of Victoria Road with Liscard Road, commencing and terminating by junctions with Tramway No. 2 ;
- A tramway or passing-place, No. 2B, three chains in length, wholly situate in Liscard Road, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, eight chains south of Falkland Road, commencing and terminating by junctions with Tramway No. 2 ;
- A tramway, No. 3, six furlongs and seven chains in length, wholly situate in the townships of Poulton-cum-Seacombe and Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 1 in Church Road, at a point eighty links or thereabouts south of the junction of the northern end of Church Road with Victoria Road, and terminating in Liscard Road, at a point seventy links or thereabouts north of Church Street ;
- A tramway or passing-place, No. 3A, three chains in length, wholly situate in Brighton Street, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, between Ellis Street and Beatrice Street, commencing and terminating by junctions with Tramway No. 3 ;
- A tramway or passing-place, No. 3B, three chains in length, wholly situate in Brighton Street, in the township of Poulton-cum-Seacombe, in the parish of Wallasey, three chains north of Epworth Street, commencing and terminating by junctions with Tramway No. 3 ;
- A tramway, No. 4, one furlong nine chains and fifty links in length, wholly situate in the township of Poulton-cum-Seacombe, in the parish of Wallasey, commencing by a junction with Tramway No. 3 in Brighton Street, at a point sixty-five links or thereabouts south of Falkland Road, and terminating in Liscard Road, at a point fifty links or thereabouts north of Falkland Road ;
- A tramway, No. 5, five furlongs nine chains and thirty links in length, wholly situate in the townships of Poulton-cum-Seacombe and Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 4 in Liscard Road, at a point

fifty links or thereabouts north of Falkland Road, and terminating in the main road in Liscard Village, at a point five chains or thereabouts in a north-easterly direction from the junction of Liscard Road and the said main road ;

A tramway or passing-place, No. 5A, three chains in length, wholly situate in Liscard Road, in the township of Liscard, in the parish of Wallasey, near the end of Church Street, commencing and terminating by junctions with Tramway No. 5 ;

A tramway or passing-place, No. 5B, three chains in length, wholly situate in Liscard Road, in the township of Liscard, in the parish of Wallasey, eight chains east of Martin's Lane, commencing and terminating by junctions with Tramway No. 5 ;

A tramway or passing-place, No. 5c, three chains in length, wholly situate in Liscard Road, in the township of Liscard, in the parish of Wallasey, east of the junction of Westminster Road and Liscard Road, commencing and terminating by junctions with Tramway No. 5 ;

A tramway, No. 6, eight chains and seventy-five links in length, wholly situate in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 5 in the main road in Liscard Village, at a point five chains or thereabouts in a north-easterly direction from the junction of Liscard Road and the said main road, and terminating in Rake Lane, at a point one chain or thereabouts from its junction with the said main road ;

A tramway, No. 7, one furlong and four chains in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 5 in the main road in Liscard Village, at a point five chains or thereabouts from the junction of Liscard Road and the said main road, and terminating in Rake Lane, at a point one chain or thereabouts from its junction with the said main road ;

A tramway, No. 8, three furlongs six chains and fifty links in length, situate wholly in Rake Lane, in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 7 in Rake Lane, at a point one chain or thereabouts from its junction with the main road in Liscard Village, and terminating in Rake Lane, at a point fifty links or thereabouts south of Earleston Road ;

A tramway or passing-place, No. 8A, three chains in length, wholly situate in Rake Lane, in the township of Liscard, in the parish of Wallasey, opposite the quarry, commencing and terminating by junctions with Tramway No. 8 ;

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- A tramway or passing-place, No. 8B, three chains in length, wholly situate in Rake Lane, in the township of Liscard, in the parish of Wallasey, south of Earleston Road, commencing and terminating by junctions with Tramway No. 8 ;
- A tramway, No. 9, one furlong nine chains and seventy-five links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 8 in Rake Lane, at a point fifty links or thereabouts south of Earleston Road, and terminating in Magazine Lane, at a point one chain or thereabouts east of the junction of Rake Lane and Magazine Lane ;
- A tramway, No. 10, one furlong and seventy-five links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 9 in Magazine Lane, at a point one chain or thereabouts east of the junction of Rake Lane and Magazine Lane, and terminating in the main road in Upper Brighton, at a point one chain seventy links or thereabouts north of the entrance to Dalmorton House ;
- A tramway or passing-place, No. 10A, three chains in length, situate wholly in the open space at the junction of Magazine Lane and the main road in Upper Brighton, in the township of Liscard, in the parish of Wallasey, commencing and terminating by junctions with Tramway No. 10 ;
- A tramway, No. 11, three furlongs seven chains and thirty-three links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 10 in the main road of Upper Brighton, at a point one chain seventy links or thereabouts north of the entrance to Dalmorton House, and terminating in Albion Street, at a point opposite the east side of Portland Street ;
- A tramway or passing-place, No. 11A, three chains in length, situate wholly in St. James Road, near its junction with Rowson Street, in the township of Liscard, in the parish of Wallasey, commencing and terminating by junctions with Tramway No. 11 ;
- A tramway or passing-place, No. 11B, three chains in length, situate in St. James Road, near its junction with Atherton Street, in the township of Liscard, in the parish of Wallasey, commencing and terminating by junctions with Tramway No. 11 ;
- A tramway or passing-place, No. 11C, two chains in length, situate wholly in Albion Street, opposite the Victoria Hotel, in

the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 11, and terminating opposite the east side of Portland Street ;

A tramway, No. 12, six furlongs one chain and seventy-five links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 11 in Albion Street, at a point opposite the east side of Portland Street, and terminating in Sandrock Road, at a point sixty-nine links or thereabouts from Mount Pleasant Road ;

A tramway or passing-place, No. 12A, two chains in length, situate wholly in Albion Street, in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 11c, opposite the east side of Portland Street, and terminating by a junction with Tramway No. 12 ;

A tramway or passing-place, No. 12B, three chains in length, situate wholly in Mount Road, in the township of Liscard, in the parish of Wallasey, five and a half chains or thereabouts south from Warren View, commencing and terminating by junctions with Tramway No. 12 ;

A tramway or passing-place, No. 12c, three chains in length, situate wholly in Mount Road, in the township of Liscard, in the parish of Wallasey, two chains or thereabouts north-west of the lodge entrance to Sudworth House, commencing and terminating by junctions with Tramway No. 12 ;

A tramway or passing-place, No. 12D, three chains in length, situate wholly in Mount Pleasant Road, in the township of Liscard, in the parish of Wallasey, two chains or thereabouts west of Sandrock Road, commencing and terminating by junctions with Tramway No. 12 ;

A tramway, No. 13, seven chains and fifty links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing by a junction with Tramway No. 14 in Mount Pleasant Road, at a point sixty links or thereabouts east of Sandrock Road, and terminating in Magazine Lane, at a point one chain or thereabouts east of the junction of Rake Lane and Magazine Lane ;

A tramway, No. 14, two furlongs one chain and fifty links in length, situate wholly in the township of Liscard, in the parish of Wallasey, commencing in Mount Pleasant Road by a junction with Tramway No. 13, at a point sixty links or thereabouts east of Sandrock Road, and terminating in Rake Lane, at a point fifty links or thereabouts south of Earleston Road.

All the tramways and works hereby authorised will be situated in the county of Chester.

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Deposit  
money not to  
be repaid  
except so far  
as tramways  
are opened.

6. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand and fifty pounds, being five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England 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 respective periods limited by this Act for completion of the tramways, open the same for the public conveyance of passengers: Provided that if within such periods 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 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, if signed by a secretary or an assistant secretary of the said Board, 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.

Application  
of deposit.

7. If the Company do not, previously to the expiration of the periods limited for the completion of the tramways, complete the same and open them 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



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Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, 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 tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company are insolvent and have been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of their creditors: 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 from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

8. Every tramway authorised by this Act shall be constructed with two rails, to be laid at a distance not exceeding five feet three inches (reckoning from the outside edge of each rail).

Description  
of tramway.

9. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited books 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 of Chester for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, and in what respect any such matter is mis-stated

Correction of  
errors in de-  
posited plans  
and books of  
reference.

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or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Chester, and a duplicate thereof shall also be deposited with the parish clerk of the parish in which the land affected thereby is situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate, and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Inspection  
by Board of  
Trade.

**10.** The tramways shall not be open for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways  
to be kept  
on level of  
surface of  
road.

**11.** If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of any of the tramways is laid, the Company may and shall from time to time 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 road as altered.

Penalty for  
not main-  
taining rails  
and roads.

33 & 34 Vict.  
c. 78.

**12.** 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 upon 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.

Sewer  
authority  
to have ac-  
cess to  
sewers.

33 & 34 Vict.  
c. 78.

**13.** Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the 32nd and 33rd sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Company  
may be re-  
quired to use  
improved  
form of rail.

**14.** The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage

to the ordinary traffic, and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

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15. The Company may, subject to the provisions of this Act, with the consent of the local authority 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 warehouses, stables, or carriage houses 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 road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Power to  
make addi-  
tional cross-  
ings, &c.

16. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways by this Act authorised are laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramways, or any part thereof, the Company may, with the consent of the road authority, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent 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 or temporary tramways in lieu of the tramways or part of the tramways so removed or discontinued. If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Temporary  
tramways  
may be made  
where neces-  
sary.33 & 34 Vict.  
c. 78.

17. Any paving, metalling, or material excavated by the Company in the construction of their works from any 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 road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so

Application  
of road ma-  
terials ex-  
cavated in  
construction  
of works.

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c. 78.

much of the roadway on either side of such tramways 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, such surplus is not removed by such surveyor, or by some other person or persons 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 in manner provided by the Tramways Act, 1870, with respect to differences between the Company and any road authority.

33 & 34 Vict.  
c. 78.

Capital.

**18.** The capital of the Company shall be thirty thousand pounds, in three thousand shares of ten pounds each.

Shares not to  
issue until  
two fifths  
paid up.

**19.** The Company shall not issue any shares created under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same unless and until a sum not being less than two fifths of the amount of such share shall have been paid in respect thereof.

Calls.

**20.** 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 fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in  
case of per-  
sons not sui  
juris.

**21.** If any money is payable to a shareholder 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 on  
mortgage.

**22.** The Company may from time to time borrow on mortgage, in respect of the capital of thirty thousand pounds by this Act authorised to be raised by shares, any sums not exceeding in the whole seven thousand five hundred pounds, and the Company may, as each sum of five thousand pounds of such capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage in respect thereof any sum or sums not exceeding in the whole one thousand two hundred and fifty pounds; but in no case shall any part of the said respective

sums be borrowed until 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 shares for the whole of the capital in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half of such capital 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 shares were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or 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 certificate shall be sufficient evidence thereof.

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8 & 9 Vict.  
c. 16.

**23.** 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 seven hundred and fifty pounds in the whole.

As to ap-  
pointment  
of a receiver.

**24.** The Company shall not create debenture stock.

Debenture  
stock.

**25.** 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 to the local authority, under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund, according to the terms of the mortgage.

Mortgage to  
comprise  
purchase  
money paid  
on compul-  
sory sale.  
33 & 34 Vict.  
c. 78.

**26.** Every mortgage deed granted by the Company under this Act shall be indorsed with a notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by a local authority under the forty-third section of the Tramways Act, 1870.

Indorsement  
of notice of  
power of  
future pur-  
chase by local  
authority.  
33 & 34 Vict.  
c. 78.

**27.** All moneys to be borrowed on mortgage under this Act, or the interest thereof, 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 to be incurred, or engagements entered into or to be entered into by them; but

Existing  
mortgages  
to have  
priority.

- A.D. 1878. this priority shall not affect any claim against the Company in respect of land taken, used, or occupied by the Company for the purposes of this Act, or injuriously affected by the construction of the tramways, or by the exercise of any powers conferred on the Company.
- Application of moneys. **28.** All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.
- Time of first meeting. **29.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.
- Quorum of general meeting. **30.** The quorum of every general meeting (whether ordinary or extraordinary) shall be ten shareholders present personally or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.
- Number of directors. **31.** 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 four.
- Qualification of directors. **32.** The qualification of a director shall be the possession in his own right of not less than twenty shares.
- Quorum. **33.** The quorum of a meeting of directors shall be three.
- First directors. **34.** William Busby, Daniel Busby, John Carson, Thomas Russell Lee, and Harry Sheraton 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 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 in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.
- Election of directors.
- 8 & 9 Vict. c. 16.
- Periods for completion of works. **35.** The Tramways Nos. 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 5C, 6, 7, 8, 8A, 8B, 9, 10, and 10A shall be completed within two years from the passing of this Act, and the Tramways Nos. 11, 11A, 11B, 11C, 12, 12A, 12B, 12C, 12D, 13, and 14, portions of which are

to be laid in streets which are at present private property, and which have not been adopted by the Wallasey Local Board, shall be completed within four years from the passing of this Act, and on the expiration of those respective periods the powers by this Act granted to the Company for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

A.D. 1878.

**36.** The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking such lands as they may require, not exceeding two acres, and they may also by agreement acquire by way of lease such lands as may be necessary for the purpose of depositing thereon spoil.

Company  
may purchase  
lands by agree-  
ment.

**37.** In consideration of the consent of the Wallasey Local Board (herein-after called the Local Board) to the application of the Company, the following provisions in relation to the Local Board shall be observed and be binding on the Company :

Arrange-  
ments with  
Wallasey  
Local Board.

(1.) The Local Board shall have the right to purchase the tramways at any time within fifteen years from the passing of this Act, on giving six calendar months notice in writing to the Company. In addition to the tramways, the Local Board may take the lands, buildings, works, material, plant, and animals of the Company in the parish of Wallasey, or any of them :

(2.) The terms of purchase shall (except as aforesaid) be in conformity with those prescribed by section 43 of the Tramways Act, 1870 :

33 & 34 Vict.  
c. 78.

(3.) If the Local Board do not take the lands, buildings, and works of the Company, they shall give the Company the option to take a lease of the tramways, on such terms and conditions and for such period as may be agreed upon :

(4.) The Company shall not, for a period of five years from the date of opening the line, obtain or seek power to lay down rails or run carriages upon any road, street, or highway nearer to the River Mersey than the following streets :

Church Road, Seacombe ;

Victoria Road, Seacombe, Brighton Street and Church Street, Egremont ;

Liscard Road, Liscard Village, Queen Street, in Liscard, Rake Lane, Earleston Road, Sandrock Road, Mount Pleasant Road, Mount Road, and Albion Street or Montpellier Terrace to the Assembly Rooms, New Brighton, except with the express sanction of a reso-

A.D. 1878.

lution passed by a majority of at least two thirds of the whole number of the Local Board :

- (5.) When in any year ending on the thirty-first day of December the clear profits of the Company shall amount to more than sufficient to pay a dividend at the rate of seven pounds ten shillings per centum per annum on the amount paid upon the ordinary shares of the Company, the Local Board shall be entitled to and may demand and take from the Company one moiety of such surplus profits, and the Company shall and they are hereby required to account for and pay over to the Local Board the said moiety of such surplus profits on or before the first day of April next after the said thirty-first day of December : Provided always, that if the moiety of the Local Board of such surplus profits in any one year shall amount to a less sum than one hundred pounds, the Company shall pay to the Local Board in lieu thereof the sum of one hundred pounds. Any moneys which may from time to time be received by the Local Board under this section shall be applied by them towards the expenses of improving, repairing, and maintaining the highways within their district, having regard in the first instance to the requirements of the highways upon which the tramways are constructed :
- (6.) A copy of every half-yearly balance sheet of the accounts of the Company shall, within fourteen days after the same have been approved at an ordinary meeting of the Company, be delivered to the Local Board, or to their clerk for the time being, and the books, accounts, and vouchers of the Company shall at all reasonable times be open to the inspection of the Local Board, or a person appointed by them to inspect the same, for the space of two calendar months next after the delivery to the Local Board or their clerk of a copy of such balance sheet as aforesaid :
- (7.) Any property which the Company deem necessary to be purchased for the widening of roads for the greater convenience of the tramways shall be paid for in the proportions of two thirds by the Company and one third by the Local Board. The Company shall take down buildings when purchased and widen the roads at their own expense, and the additions to the roads when widened shall belong to the Local Board, and shall be kept open to the public :



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- (8.) The Company shall, unless prevented by bad weather or other cause to the satisfaction of the Local Board, run cars on their lines on week days and Sundays to and from Seacombe to Upper Brighton at the same periods as the ferry boats ply to and from Seacombe, namely, on week days between the hours of 8 a.m. and 7.30 p.m., and on Sundays between the hours of 10 a.m. and 8.30 p.m. :
- (9.) Advertisements outside the cars shall be subject to the consent of the Local Board, and no advertisement shall be fixed without such consent. A properly qualified and experienced engineer shall be appointed by the Local Board to superintend and approve of the construction of the tramways and making good the roads on behalf of the Local Board, and his remuneration shall be paid by the Company :
- (10.) Should the Company at any time after the opening of any tramway for public traffic, by reason of insolvency or any other cause, discontinue the working of any of the tramways in the parish of Wallasey for a continuous period of three months, at the expiration of such time the tramway or tramways so discontinued then laid within the parish of Wallasey shall absolutely vest in and become the property of the Local Board, without any payment or compensation to the Company, and may be leased by the Local Board to any company or person to use the same, or may be entirely removed by the Local Board and sold or disposed of by auction or otherwise, and the proceeds of such sale may be used or devoted by the Local Board to the cost of restoring the roads from which such tramways shall have been so removed in such way and manner as the Local Board may determine, unless the Company shall deposit with the Local Board a sum of money to be named by the Local Board sufficient to restore the road to the satisfaction of the Local Board :
- (11.) No rails or tramway laid by the Company at any time within the parish of Wallasey shall be removed by them without their first obtaining the written consent of the Local Board signed by their clerk. If and when any rails or tramway, or any part thereof, are or is removed by the Company with such consent, they shall forthwith restore and make good the road to the satisfaction of the Local Board, who shall have a lien on the rails and

A.D. 1878.  
—

materials so removed until the road is restored to their satisfaction :

(12.) With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect ; namely,

(A.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Company may be signed by their secretary, and if given by the Local Board may be signed by their clerk :

(B.) Every notice to be delivered by or to the Company to or by the Local Board may be delivered by being left at the office of the Local Board or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at the principal office, and every such letter shall be deemed to be received by the Local Board or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Tolls for  
passengers.

**38.** The Company may demand and take for every passenger travelling upon the tramways, or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, the tolls and charges specified in the schedule to this Act annexed.

Passengers  
luggage.

**39.** Every passenger travelling upon 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, and the Company shall not be bound to carry, unless they think fit, any passenger's luggage exceeding twenty-eight pounds in weight.

Company  
not to carry  
animals and  
goods.

**40.** The Company shall not carry on the tramways any goods, animals, or other things, other than passengers and passengers luggage, not exceeding the weight in this Act in that behalf mentioned, and small parcels.

Company to  
carry par-  
cels.

**41.** The Company shall carry small parcels, but they shall not be bound to deliver the same, except at the termini of their tramways, or at such other place or places as the Company may from time to time determine.

**42.** The Company may demand and take for small parcels not exceeding one hundred and twelve pounds in weight any tolls not exceeding the following :

A.D. 1878.  
Tolls for  
small parcels.

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 but not exceeding twenty-eight pounds in weight, sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence ;

For any parcel exceeding fifty-six pounds, any sum which the Company think fit :

Provided always, 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.

**43.** The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny) : Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Cheap fares  
for labouring  
classes.

**44.** The tolls and charges by this Act authorised shall be paid to such persons and at such places, upon or near to the tramways, and in such manner, and under such regulations, as the Company shall, by notice to be annexed to the list of tolls, appoint.

Payment of  
tolls.

**45.** The Company, or any person using the tramways under the authority of this Act, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Act, enter into agreements with any other company and person with respect to the receiving from or forwarding to any such other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Power to  
enter into  
agreements  
with respect  
to traffic,  
&c

A.D. 1878.  
 Appeal  
 against  
 agreements.

**46.** In case any person deem himself aggrieved by any contract, agreement, or arrangement, or any renewal thereof made under the authority of the preceding section, by reason of the same affording undue preference or inequality of treatment as to tolls or charges or facilities to any person to the prejudice of such first-mentioned person, then, and in every such case, such first-mentioned person may appeal against the same or any part thereof to the Railway Commissioners, and after the expiration of one month after notice of such appeal has been served by such first-mentioned person upon the parties to such contract, agreement, or arrangement in such manner as the Railway Commissioners may from time to time order and direct, the Railway Commissioners may hear and determine the subject-matter of such appeal, and, where necessary, any such contract, agreement, or arrangement may be determined by the Railway Commissioners, whose decision in respect of any such contract, agreement, or arrangement, or the determination thereof, shall be final and conclusive and binding on all parties. The expenses of such appeal shall be borne and paid as the Railway Commissioners may order: Provided always, that an appeal under this section may be made to the Railway Commissioners by a municipal corporation, local authority, or road authority against any such contract, agreement, or arrangement, or any renewal thereof, without proof that the appellants are aggrieved by any such contract, agreement, or arrangement, or renewal; but such appeal shall not be entertained by the Railway Commissioners in pursuance of this section unless such appeal is accompanied by a certificate of the Board of Trade to the effect that, in their opinion, the case in respect of which such appeal is made is a proper one to be submitted for adjudication to the Railway Commissioners by such municipal or other public corporation, local authority, or road authority.

Authorising  
 agreements  
 for the use  
 of tramways.

**47.** The Company may, subject to the approval of the Board of Trade, from time to time enter into and carry into effect contracts, agreements, and arrangements with any other company or with any person for or with respect to the use by such other company or person of the tramways or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such use, and all incidental matters: Provided always, that any such contract, agreement, or arrangement shall be subject to the provisions contained in this Act relating to the power to enter into agreements with respect to traffic and to the power to appeal against such agreements.

Provision as  
 to arbitration.  
 33 & 34 Vict.  
 c. 78.

**48.** Where, under the provisions of this Act and of the Tramways Act, 1870, incorporated herewith, any matter in difference is

referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

A.D. 1878.

17 & 18 Vict.  
c. 125.

49. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividends 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.

Interest not  
to be paid on  
calls paid up.8 & 9 Vict.  
c. 16.

50. 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 tramways, or to execute any other work or undertaking.

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

51. Nothing in this Act contained shall 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 of tolls or charges authorised by this Act.

Company  
not exempt  
from pro-  
visions of  
any present  
and future  
general  
Tramway  
Acts.

52. Notwithstanding anything contained in this Act, the Company and any persons using any tramways to which the same applies shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by any Act relating to the Company, and to any condition, regulation, or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

Provision as  
to future  
general Acts.

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

Expenses of  
Act.

A.D. 1878.

## SCHEDULE referred to in the foregoing Act.

## TOLLS TO BE CHARGED ON TRAMWAYS.

	<i>d.</i>
1. From Seacombe to Upper Brighton, or vice versâ, a sum not exceeding - - - - -	3
2. From Seacombe to Liscard, or vice versâ, a sum not exceeding - - - - -	2
3. From Liscard to Upper Brighton, or vice versâ, a sum not exceeding - - - - -	2
Beyond the above distances (2) and (3), for every mile or part of a mile a sum not exceeding - - - - -	1
For any distance less than two miles, any sum not exceeding	2
Between 9 p.m. and 5 a.m. double the above rates. Children in arms under three years of age free.	

THE  
PRIVATE ACTS

PASSED IN THE

FORTY-FIRST AND FORTY-SECOND YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

BEING THE

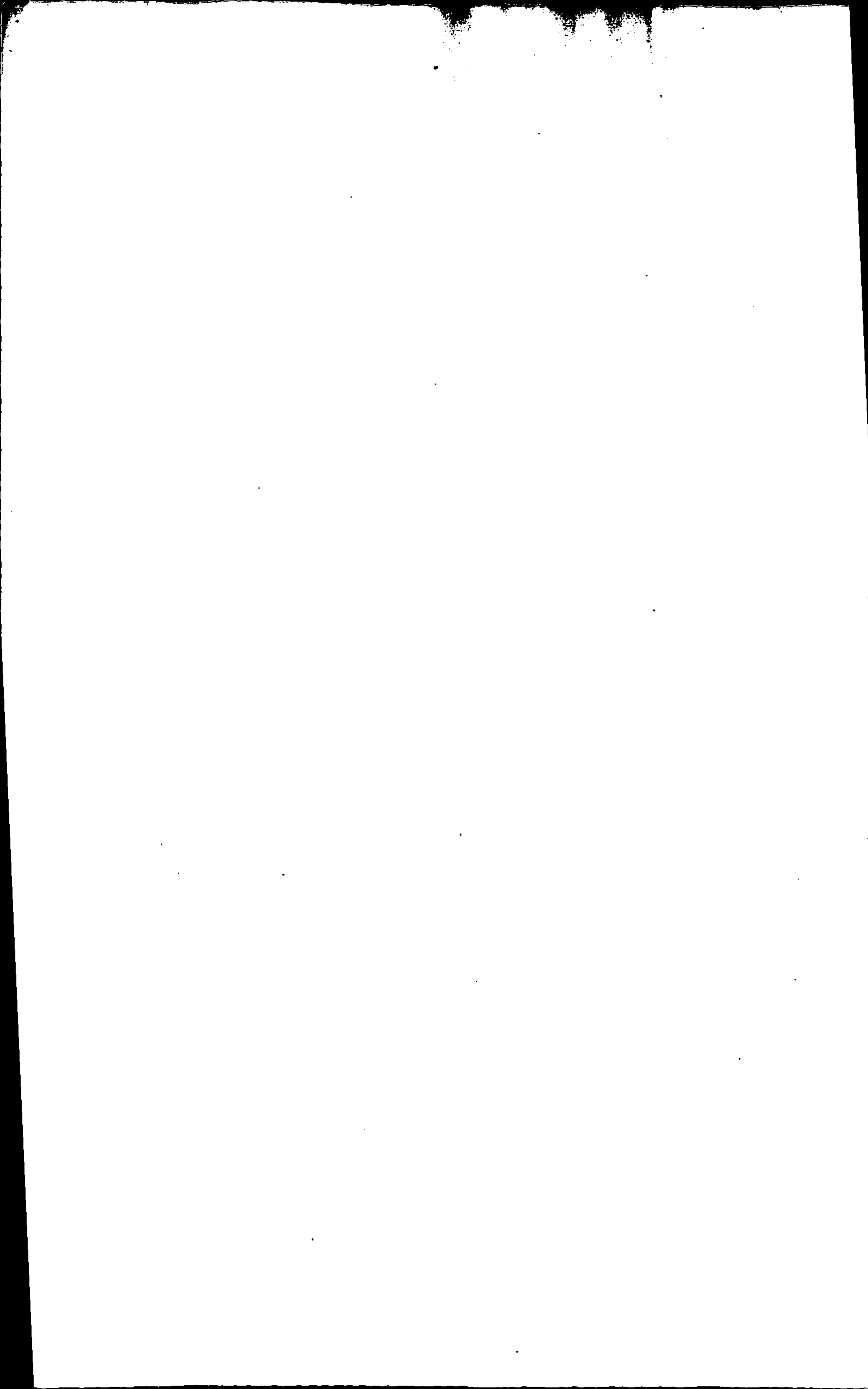
FIFTH SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1878.





## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. **A**N Act for authorising the Trustees of the Settled Estates of the Marquess of Exeter to raise moneys on the security of the Settled Estates, for the improvement thereof; and for other purposes.
2. An Act to confirm a partition made of certain hereditaments held upon the Trusts by the Will of Samuel Brooks, deceased, declared concerning the hereditaments comprised in the ninth schedule to the said Will, and the short title of which is intended to be Brooks Settled Estates Partition Confirmation Act, 1878.
3. An Act for giving effect to a compromise of suits affecting the Estates in the Counties of Westmeath and Dublin, in Ireland, late of Adolphus Cooke, deceased.
4. An Act for confirming certain Building Leases granted by the late Lord Stafford and the present Lord Stafford of lands in the Borough of Stafford and in the Parish of Castle Church in the County of Stafford, and in the Parish of Shifnal in the County of Salop, which are subject to the uses of a Settlement of the Family Estates of the said Lords Stafford, dated the sixth day of February one thousand eight hundred and thirty-three.
5. An Act to enable the Trustees of the Settlement of Lord Tredegar's Family Estates to take further Shares in the Alexandra (Newport) Dock Company, and for other purposes, and of which the short title is Lord Tredegar's Supplemental Estate Act, 1878.
6. An Act to confirm an Agreement of Compromise made with respect to an Estate or Farm called Pwllcarn and other hereditaments in the County of Glamorgan, and to provide for raising a sufficient sum for payment of purchase moneys, costs, and expenses in connexion with the said Agreement.
7. An Act to be intituled the Vane Tempest Settled Estate Act, 1878.

