



CHAPTER cxcii.

An Act for incorporating the Saint Helens and District A.D. 1879.
Tramways Company, and for empowering them to con-
struct Tramways in the borough and district of Saint
Helens, in the county of Lancaster; and for other pur-
poses. [24th July 1879.]

WHEREAS 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 con-
tained:

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 Lancaster,
and are herein-after respectively referred to as the deposited plans,
sections, and books of reference:

And whereas the purposes of this Act cannot be effected without
the authority of Parliament:

May it therefore please Your Majesty that it may be enacted;
and be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

1. This Act may be cited as the Saint Helens and District Short title.
Tramways Act, 1879.

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Incorporation of
general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.

32 & 33 Vict. c. 48.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

33 & 34 Vict.
c. 78.

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;

The Lands Clauses Consolidation Acts, 1845 (except the provisions thereof with respect to the entry upon, purchase, and taking of lands otherwise than by agreement), 1860, and 1869;

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.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have 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;

The expression "the borough" means the borough of Saint Helens;

The expression "the corporation" means the mayor, aldermen, and burgesses of the borough acting by their council;

The expressions "the town clerk" and "the surveyor" respectively mean the town clerk and the surveyor for the time being of the borough;

The expression "the justices" shall mean the justices of the peace of the county palatine of Lancaster, and the expression "the bridge surveyor" shall mean the surveyor or bridge-master of the county and hundred bridges within the hundred of West Derby, in the said county palatine;

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;

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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.

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4. William Busby, Philip Eberle, Francis Augustus Remmington Neill, Joseph Riley, and James Melling, 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 Saint Helens and District 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 Saint Helens and District Tramways."

Company incorporated.

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.

Power to make tramways according to deposited plans, &c.

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), 2 miles 7 furlongs and 5·15 chains in length, situate wholly in Eccleston Lane, Sandy Lane, the Liverpool, Prescott, Ashton, and Warrington highway, and Liverpool Road, in the township of Eccleston, parish of Prescott, and partly in the borough in the same parish, commencing in Eccleston Lane at the King's Arms Inn (Prescot), at the junction of Fazakerley Street and New Road, and terminating in Liverpool Road at a point $1\frac{1}{2}$ chains or thereabouts south-west of the junction of Westfield Street and Eccleston Road:

A tramway (No. 1A) or passing-place, 3 chains in length, wholly situate in Eccleston Lane, on the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Eccleston, in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1:

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- A tramway (No. 1B) or passing-place, 3 chains in length, also wholly situate in Eccleston Lane, on the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Eccleston, in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 1C) or passing-place, 3 chains in length, wholly situate in Eccleston Lane, on the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Eccleston, in the parish of Prescott, also commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 1D) or passing-place, 3 chains in length, also wholly situate in Eccleston Lane, on the Liverpool, Prescott Ashton, and Warrington highway, in the township of Eccleston, in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 1E) or passing-place, 3 chains in length, wholly situate in Sandy Lane, on the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Eccleston, in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 1F) or passing-place, 3 chains in length, wholly situate in the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Eccleston and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 1G) or passing-place, 3 chains in length, wholly situate in Liverpool Road, in the township of Eccleston and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 1 :
- A tramway (No. 2), 3 furlongs and 3·35 chains in length, situate in the townships of Eccleston and Windle and the borough in the parish of Prescott, commencing by a junction with Tramway No. 1 in Liverpool Road at a point $1\frac{1}{2}$ chains or thereabouts south-west of the junction of Westfield Street and Eccleston Road, and passing thence along Westfield Street to the junction of Ormskirk Street and Baldwin Street, and terminating in Ormskirk Street at a point 1 chain or thereabouts south of Cotham Street :
- A tramway (No. 3), 4 furlongs in length, situate in the townships of Eccleston and Windle and the borough in the parish of Prescott, commencing by a junction with Tramways Nos. 1 and 2 in Liverpool Road at a point $1\frac{1}{2}$ chains or thereabouts south-west of the junction of Westfield Street and Eccleston

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Road, and passing thence along Liverpool Road to its junction with Bridge Street and Tontine Street, and along Bridge Street to its junction with Church Street, and thence along Church Street and Ormskirk Street to a junction with Tramway No. 2 at its termination in Ormskirk Street at the point 1 chain or thereabouts south of Cotham Street :

A tramway (No. 4), 4 miles and 8·40 chains in length, situate in the townships of Windle and Parr and the borough in the parish of Prescott, and in the township of Haydock, in the parish of Winwick, commencing in Ormskirk Street by a junction with Tramways Nos. 2 and 3 at their termination, and passing thence along Cotham Street, Corporation Street, Sharp Street, Higher Parr Street, Park Road, the Liverpool, Prescott, Ashton, and Warrington highway, and Clipsley Lane, and terminating in Clipsley Lane at a point 2 chains or thereabouts east of the Ram's Head Inn :

A tramway (No. 4A) or passing-place, 3 chains in length, situate in Cotham Street and Corporation Street, in the township of Windle and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 4 :

A tramway (No. 4B) or siding, 2 chains in length, wholly situate in Corporation Street, in the township of Windle and the borough in the parish of Prescott, commencing by a junction with Tramway No. 4A, and terminating at a point 1 chain 70 links or thereabouts west of the junction of Cotham Street and Corporation Street :

A tramway (No. 4C) or passing-place, 3 chains in length, situate wholly in Higher Parr Street, in the township of Parr and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 4 :

A tramway (No. 4D) or passing-place, 3 chains in length, situate wholly in the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Parr and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 4 :

A tramway (No. 4E) or passing-place, 3 chains in length, situate wholly in the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Parr and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 4 :

A tramway (No. 4F) or passing-place, 3 chains in length, situate wholly in the Liverpool, Prescott, Ashton, and Warrington highway, in the township of Haydock, in the parish of Win-

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wiek, commencing and terminating by junctions with Tramway No. 4:

A tramway (No. 4G) or passing-place, 3 chains in length, situate wholly in Clipsley Lane, in the township of Haydock, in the parish of Winwick, commencing and terminating by junctions with Tramway No. 4:

A tramway (No. 4H) or passing-place, 3 chains in length, situate wholly in Clipsley Lane, in the township of Haydock, in the parish of Winwick, commencing and terminating by junctions with Tramway No. 4:

A tramway (No. 4I) or passing-place, 3 chains in length, situate wholly in Clipsley Lane, in the township of Haydock, in the parish of Winwick, commencing and terminating by junctions with Tramway No. 4:

A tramway (No. 4K) or siding, 2 chains in length, situate wholly in Clipsley Lane, in the township of Haydock, in the parish of Winwick, commencing by a junction with Tramway No. 4, and terminating in Clipsley Lane at a point 2 chains or thereabouts east of the Ram's Head Inn:

A tramway (No. 5), 1 mile 2 furlongs and 5·50 chains in length, situate in the townships of Windle, Parr, and Sutton, in the borough in the parish of Prescott, commencing in Sharp Street by a junction with Tramway No. 4 at a point half a chain or thereabouts west of the centre of Shaw Street, and passing thence along Shaw Street, Raven Street, Warrington New Road, Peasley Cross Lane, and Marshall's Cross Road, and terminating in Marshall's Cross Road at a point 1 chain or thereabouts on the southerly side of Robin's Lane:

A tramway (No. 5A) or passing-place, 7·50 chains in length, situate in Raven Street, Canal Bank, and Warrington New Road, in the townships of Windle and Parr, in the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 5:

A tramway (No. 5B) or passing-place, 3 chains in length, situate wholly in Warrington New Road, in the township of Parr and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 5:

A tramway (No. 5C) or passing-place, 3 chains in length, situate wholly in Peasley Cross Lane, in the township of Sutton and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 5:

A tramway (No. 5D) or siding, 2 chains in length, situate wholly in Marshall's Cross Road, in the township of Sutton and the

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borough in the parish of Prescott, commencing by a junction with Tramway No. 5, and terminating at a point 1 chain or thereabouts south of Robin's Lane : A.D. 1879.

A tramway (No. 6), 1 mile and 8·50 chains in length, situate in Cotham Street, Baldwin Street, Duke Street, and Denton's Green Lane, in the township of Windle, and partly also in the borough, but all in the parish of Prescott, commencing by a junction with Tramway No. 4 in Cotham Street at a point half a chain or thereabouts east of the junction of Baldwin Street and Cotham Street, and passing thence along Baldwin Street, Duke Street, and Denton's Green Lane, and terminating in Denton's Green Lane at a point 1 chain or thereabouts south of the junction of Denton's Green Lane with Kiln Lane :

A tramway (No. 6A) or passing-place, 3 chains in length, situate wholly in Denton's Green Lane at its junction with Boundary Lane, in the township of Windle and the borough in the parish of Prescott, commencing and terminating by junctions with Tramway No. 6 :

A tramway (No. 6B) or siding, 2 chains in length, situate wholly in Denton's Green Lane, in the township of Windle, in the parish of Prescott, commencing by a junction with Tramway No. 6, and terminating at a point 1 chain or thereabouts south of the junction of Denton's Green Lane with Kiln Lane :

A tramway (No. 7), 2 furlongs 2·30 chains in length, situate wholly in the township of Windle and the borough in the parish of Prescott, commencing by a junction with Tramway No. 3 in Ormskirk Street at a point seventy links or thereabouts east of the junction of Bridge Street and Ormskirk Street, passing thence along Church Street to the junction of Church Street with Raven Street, along Raven Street, and terminating in Shaw Street by a junction with Tramway No. 5 at a point sixty links or thereabouts north of the junction of Raven Street and Shaw Street :

A tramway (No. 8), 1·75 chains in length, situate wholly in the township of Windle and the borough in the parish of Prescott, commencing by a junction with Tramway No. 2 in Ormskirk Street at a point thirty links or thereabouts south-east of the junction of Westfield Street and Ormskirk Street, passing thence across Baldwin Street into Cotham Street, and terminating in Cotham Street by a junction with Tramway No. 4 at a point half a chain or thereabouts east of the junction of Baldwin Street and Cotham Street.

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All the tramways and works hereby authorised will be situate in the county of Lancaster.

Protecting
William
John Legh
and Joseph
Evans.

6. Whereas the Tramway No. 4 by this Act authorised passes along roads between certain lands belonging or reputed to belong to William John Legh, of Lyme Hall, in the county of Chester, within which are certain collieries with tramways running over and along such roads, and which will be crossed by the said Tramway No. 4, and Joseph Evans, of Haydock, in the county of Lancaster, trading as Richard Evans and Company, of Haydock aforesaid, colliery masters, is or is reputed to be lessee of the said collieries and tramways :

And whereas it has been agreed, for the protection of the said William John Legh, his heirs, successors in estate, tenants, and assigns (all of whom are in this section included in the expression "the said William John Legh"), and of the said Joseph Evans, his executors, administrators, and assigns (all of whom are hereinafter included in the expression "the said Joseph Evans"), that the provisions herein-after contained shall be carried out by and shall be binding on the Company :

Be it enacted as follows :

- (1.) The Company shall not have any claim for or be entitled to any compensation in respect of delays to or interference with the free passage of their cars along the said Tramway No. 4 by any engines and trucks, horses and trains and boxes, passing either on the existing or any future lines of railway or tramway of the said William John Legh and the said Joseph Evans, or either of them, over the roads or highways aforesaid, or by any other user by the said William John Legh and the said Joseph Evans, or either of them, of such existing or any future line or lines of railways or tramways :
- (2.) In making the said Tramway No. 4 and the works connected therewith the Company shall have due regard to the existing railways and tramways of the said William John Legh and the said Joseph Evans, and shall construct and lay down the Tramway No. 4 across the said railways and tramways of the said William John Legh and the said Joseph Evans so as not unnecessarily to interfere therewith, and under the direction and to the satisfaction in every particular of the said William John Legh and the said Joseph Evans, or his or their engineer or engineers :

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(3.) The Company shall not be entitled to any compensation for damage done to or sustained by the said Tramway No. 4, or the works connected therewith, through the subsidence of or any other injury to or interference with the roads or highways along or upon which the said Tramway No. 4 and such works shall be laid, by the working and getting of the coal, cannel, and other minerals lying under the said roads or highways, or the lands of the said William John Legh or of the said Joseph Evans adjacent thereto, nor for any interference with or interruption of the working of the said Tramway No. 4, or for any loss of earnings consequent upon any such subsidence, interference, or interruption. A.D. 1879.

7. With respect to the Tramways Nos. 4, 5, and 5A respectively and the matters in this section respectively referred to, the Company shall be bound by the following provisions for the protection of the London and North-western Railway Company (in this section designated the railway company); that is to say, Protecting
the London
and North-
western Rail-
way Com-
pany.

(1.) Before the Company construct the Tramways Nos. 4, 5, and 5A, where the same respectively pass over swing or draw bridges over the Saint Helens Canal of the railway company with a double line of rails, the Company, at their own expense in all things, shall widen or reconstruct all or such one or more of the said swing or draw bridges as in the judgment of the engineer of the railway company shall not be of sufficient width or strength for the purposes of such double line of rails, and shall be so certified by him in writing, and be required by him to be widened or reconstructed, and every such widening or reconstruction shall be executed to the reasonable satisfaction of the said engineer, and according to plans, sections, and specifications to be submitted to and approved of in writing by him, and under his superintendence, in case and for so long a time as he shall think fit to give such superintendence:

(2.) From and after the construction of the said Tramways Nos. 4, 5, and 5A respectively over any of the swing or draw bridges on the said canal, the Company shall, at their own expense in all things, for ever maintain and repair the whole of each and every roadway and flooring of and joists for carrying the same over the said bridges on which such tramways or any of them shall be laid, but as

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to the said joists, so far as the same may be interfered with by the construction or maintenance of the said tramways, with such materials and in such manner as may be approved of by the said engineer, and in all respects under his superintendence and to his reasonable satisfaction, and from and after any widening or reconstruction by the Company of the said bridges or any of them the Company shall similarly maintain and repair in perpetuity the whole structure of every such bridge :

- (3.) The Company shall also, at their own expense in all things, and under the superintendence and to the satisfaction respectively herein-before mentioned, provide and execute, and thereafter for ever maintain and repair, all such works (especially including signals and reconstructions of bridges) as shall at any time or from time to time be required by the Board of Trade in connexion with the working of the said several Tramways Nos. 4, 5, and 5A, or any of them, over any of the said swing or draw bridges :
- (4.) In carrying the said Tramways Nos. 4, 5, and 5A respectively across the said canal and the railways of the railway company, the Company shall not alter or interfere with the structures of the several bridges of the railway company over the said canal and railways or the immediate approaches thereto respectively, save so far as shall be rendered necessary for complying with the provisions of this section, and they shall so construct and maintain the said tramways upon and over the said bridges and approaches as not to damage or injuriously affect the same or any part or parts thereof respectively, or to interfere with the passage or conduct of traffic upon or along the said canal or railways ; and in the event of any such damage, injury, or interference being occasioned by or in consequence of the construction or maintenance of the said tramways or any of them, or by the user or working of the same respectively, it shall be lawful for the railway company to restore the said respective bridges and approaches, or the part or parts thereof respectively which may have been damaged or injured, to as good a state and condition as they respectively were in before such damage or injury was sustained, and to recover the expense thereof, as certified in writing by the engineer of the railway company, together with compensation for any such inter-

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ference as aforesaid, and together also with full costs of action, from the Company, and that by all and the same means as those by which simple contract debts are for the time being recoverable : A.D. 1879.

- (5.) The Company shall recoup to and indemnify the railway company against all costs and expenses which they may pay or be put to in maintaining and repairing so much of the roads over the said respective bridges and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the railway company may recover from the Company in manner aforesaid all such costs and expenses, together with full costs of action :
- (6.) In case the Company shall make default in effecting any maintenance and repairs for which they are liable under any of the provisions in such behalf contained in this section, the railway company, if they shall so think fit, may themselves effect such maintenance and repairs, and recover from the Company as aforesaid the costs and expenses of and incidental thereto, together with full costs of action :
- (7.) The traffic along the aforesaid canal is at all times to have precedence of the traffic of the Company over the said swing or draw bridges across the same, and with respect to the working of those bridges for the passage of such traffic along the said canal :
- (8.) The Company shall, as between themselves and the railway company, take upon themselves and be answerable for all damages and injuries happening through the said respective swing or draw bridges being at any time or times left wholly or in part open or not being fastened, and shall save harmless and keep indemnified the railway company and their officers and servants from and against the same, and also from and against all damages, costs, expenses, claims, and demands for or in respect of any accidents, damages, injuries, obstructions, or other matters or things whatsoever arising out of the construction, maintenance, user, and working of the said respective tramways, unless in either case the same be caused by the wilful act or default of any officer or servant of the railway company :
- (9.) The Company shall acquire only an easement in any property of the railway company shown on the deposited plans which the Company may require for the construction and maintenance of the said Tramway No. 5A ac-

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According to the provisions contained in this section, which easement the railway company shall sell and grant accordingly, and the amount to be paid for the same shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement:

(10.) Nothing in this Act contained shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the railway company otherwise than is herein expressly provided.

Capital.

8. The capital of the Company shall be seventy thousand pounds, in seven thousand shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

9. 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 one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

10. 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 persons not sui juris.

11. 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.

12. The Company may from time to time borrow on mortgage, in respect of the capital of seventy thousand pounds by this Act authorised to be raised by shares, any sums not exceeding in the whole seventeen thousand five hundred pounds, and the Company may, as each sum of thirty-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, and the Company have completed and opened for traffic either the Tramway No. 1 or the Tramway No. 4 by this Act authorised, borrow on mortgage in respect thereof any sum or sums not exceeding in the whole eight thousand seven 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

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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. A.D. 1879.

13. 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. As to appointment of receiver.

14. The Company shall not create debenture stock. Debenture stock.

15. 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 compulsory sale.

16. 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 purchase by the local authority.

17. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only. Application of moneys.

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

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

20. The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification of directors.

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Quorum of
directors.

21. The quorum of a meeting of directors shall be three, provided that if the number of directors be reduced to three the quorum shall be two.

First
directors.

22. William Busby, Philip Eberle, Francis Augustus Remington Neill, Joseph Riley, and James Melling 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.

Mode of
formation of
tramways.

23. Every tramway by this Act authorised shall consist of a single pair of rails, which shall be constructed on the gauge of four feet eight and a half inches, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and in such manner as regards construction, rails, sleepers, fastenings, width of groove, foundations, paving materials used, and in all other respects, as the corporation within the borough, and the Local Board for the district of Haydock (herein-after called the Haydock Local Board) within the district of that board, shall respectively approve.

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

24. 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 Lancaster 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

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such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Lancaster, 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.

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25. In addition to the requirements of section twenty-six 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 road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways 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 twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Further provisions as to construction of tramways.

26. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

27. The Board of Trade may from time to time, upon the application of the road authority, require the Company to adopt and apply such improvements in the tramway, 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.

Improvements in tramways.

28. 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

Penalty for not main-

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—
maintaining rails
and roads.

the ordinary traffic, the rails of which any of the tramways for the time being consist, and the substructure upon which the same rest; and if the Company at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Power to
Board of
Trade to in-
quire as to
maintenance
of rails and
roads.

29. In any case in which 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 are or is situated, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify, under the hand of a secretary or assistant secretary of the Board, that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Twenty
thousand
pounds of
capital to be
issued and
one half paid
up before
works com-
menced.

30. Before the Company receive the consent of the corporation or of the Haydock Local Board to open or break up any road within the respective jurisdictions of the corporation and of the said local board, they shall prove to the satisfaction of the corporation or the local board, as the case may be, that twenty thousand pounds of the capital of the Company has been issued and accepted, and one half thereof paid up, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same.

Traffic on
roads not
to be im-
peded.

31. During the construction of any works by this Act authorised in any road belonging to or within the jurisdiction of the corporation, the Company shall make such arrangements in relation to the

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execution of all such works as may be satisfactory to the corporation, and they shall also make such arrangements in relation to the sections of such works as are outside the boundaries of the borough as will, in the opinion of the local authority or the road authority of such district or districts within which such works lie, be sufficient and proper, so as in both cases to prevent the traffic upon all such roads respectively from being unnecessarily impeded, and for the prevention of accidents.

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32. In constructing any of the tramways upon any bridge or any parts of the road at either end thereof under the jurisdiction of the justices, the Company shall not alter or interfere with the structure of such bridge or of the approaches thereto, and shall so construct and maintain the tramways on the road over such bridge and approaches as not to injuriously affect such bridge and approaches; and in the event of any injury being occasioned to any such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury occur either during or after construction or in effecting the maintenance of the tramways), the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Company, and the Company shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the justices may recover from the Company all such sums, costs, and expenses, together with full costs and charges, by all and the same means as any simple contract debt may be recovered.

For protection of the justices of Lancashire.

33. So much of every road whereon any tramway is laid as (1) lies between the rails of such tramway, (2) lies between the rails of any loop, passing-place, crossing, siding, or junction in connexion with any tramway, (3) lies between the rails of such tramway and any such loop, passing-place, crossing, siding, or junction, (4) not being more than four feet in width, lies between any two tramways laid by the Company, and (5) extends eighteen inches beyond the rails of and on each side of every tramway, loop, passing-place, crossing, siding, and junction, shall be paved by the Company at their own expense, under the superintendence and to the satisfaction of the road authority, with such paving as the road authority may approve, and shall be deemed to be a

As to paving of roads, &c.

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A.D. 1879. road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act, 1870, and the reasonable expense to which such road authority is put on account of such superintendence shall be paid by the Company.

Extending application of s. 26 of 33 & 34 Vict. c. 78.

34. So much of section 26 of the Tramways Act, 1870, as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the works, and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence, shall extend and apply also to the works in the twenty-seventh and twenty-eighth sections of the said Act and the next preceding section of this Act referred to (except as to maintenance and repairs), and to all other works of every description affecting any road, sewer, or other works or property of or under the control or jurisdiction of the corporation.

Length of road to be opened.

35. The Company shall not, without the consent of the corporation or of the Haydock Local Board, as the case may be, open or break up at any one time a greater length than eighty yards of any road within the borough or within the district of such local board which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the Company shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than eighty yards.

Corporation and Haydock Local Board may require certain alterations in tramways.

36. The Corporation and the Haydock Local Board respectively, in their absolute discretion, at any time and from time to time, either before the first construction of the tramways or any of them within the borough or within the district of such local board, as the case may be, or afterwards, may, by notice in writing given to the Company, require the Company—

- (1.) To substitute on the route a double line of rails for the whole length or any part of the length of any tramway which is shown on the deposited plans or is constructed as a single line;
- (2.) In all cases where two tramways shall be laid in any road, to make or (as the case may be) to bring the lines of such tramways within four feet of each other for the

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whole or any part of the length thereof, and as nearly as possible in the centre of the street; and A.D. 1879.

- (3.) To deviate from the line of any tramway as shown on the deposited plans or as constructed in such places to such extent and in such manner as the Corporation or such local board may deem expedient:

Provided always, that no such double line or deviation shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway if one third of the owners and occupiers of the houses, shops, or warehouses abutting upon the part of the road where such less space shall intervene shall, within one month after written notice by the corporation or such local board to them of the intention to lay such double line or to make such deviation, express their dissent in writing to the town clerk or the clerk to the local board: Provided also, that if the Company do not within such reasonable time as shall be in that behalf specified in any such notice comply with the requirements of such notice, the corporation or the Haydock Local Board, as the case may be, from time to time may, without prejudice to any other remedy against the Company, carry out the requirements of such notice, and all costs and expenses thereby incurred by them shall be paid to the corporation or to such local board by the Company on demand, and shall be recoverable from the Company by proceedings in any court of competent jurisdiction. Any agreement, consent, act, approval, or dispensation by the corporation or by such local board in relation to the Company or the tramways shall be deemed to be subject to the provisions of this section, and shall not operate to waive, suspend, dispense with, or otherwise affect the powers of the corporation or of such local board under this section: Provided that no such requisition shall be obligatory on the Company if it should prove to be necessary for the Company in order to comply with the same to obtain authority to do so by Act of Parliament or provisional order.

37. And whereas it has been agreed between the corporation and the Company that certain lands, buildings, and property within the borough shall as soon as possible hereafter be purchased by the corporation, at such times and upon such terms and conditions as they may think fit, for the purpose of widening and improving certain roads within the borough in which the tramways proposed by this Act are to be laid, and that such purchase shall be made by the corporation both for the convenient working of the tramways

Provision as to future widening of roads in the borough.

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A.D. 1879. — authorised by this Act and also for the convenience of the public, and that the cost of the same and of the road improvements connected therewith shall be borne in equal shares by the corporation and the Company: Therefore, the Company shall pay to the corporation, out of the capital to be raised under the powers of this Act, one half of the purchase money paid by the corporation for such lands, buildings, and property, together with one half of the costs of such purchase and of taking down all buildings so purchased and of widening and improving the roads aforesaid, and the roads so widened and improved shall vest in the corporation and for ever afterwards be left open to the public.

Provision as to future widening of roads in the district of the Haydock Local Board.

38. And whereas it has been agreed between the Haydock Local Board and the Company that whenever any lands, buildings, and property within the district of the local board hereafter be purchased for the purpose of widening and improving any part of the roads within the district of the local board in which the tramways proposed by this Act will be so laid that a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway, and such purchase shall be made both for the convenient working of the tramways authorised by this Act and also for the convenience of the public, then and in that case the cost of such purchase and of the road improvements connected therewith shall be borne in equal shares by the said local board and the Company: Therefore, all property purchased by the said local board for the purposes aforesaid shall be paid for in the proportion of one half by the said local board and one half by the Company, and the costs of such purchase shall include the costs of taking down all buildings so purchased and of widening and improving the roads aforesaid, and the Company may and shall, out of the capital to be raised under the powers of this Act, pay their one-half share of the purchase money and costs aforesaid, and the roads so widened and improved shall vest in the said local board and for ever afterwards be left open to the public.

Inspection by Board of Trade.

39. The tramways shall not be opened 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 level with surface of road.

40. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway of the Company is laid, the Company may and shall at their own expense from time to time alter or (as the

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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. A.D. 1879.

41. The corporation and the Haydock Local Board respectively and their officers and servants shall at all times have free access to and communication with all existing and future sewers and drains (whether public or private) under the control of or maintained or repaired by the corporation or the Haydock Local Board, and the man-holes, ventilating shafts, and other works in connexion therewith, and shall have power, without the consent or concurrence of the Company, to construct any new or additional public or private sewers or drains, and any man-holes, ventilating shafts, or other works connected therewith, and any lateral or private drains to communicate therewith, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable to the case of any such works as aforesaid, as though the same were a pipe for the supply of gas or water laid before the construction of the tramways: Provided always, that if at any time after the passing of this Act any of such sewers or drains (whether public or private) or any other works of or belonging to or under the control of the corporation or of the Haydock Local Board shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Company or their servants, it shall be lawful for the corporation or the Haydock Local Board, as the case may be, immediately thereupon or at any time thereafter, at the cost, expense, and risk of the Company, to do what the corporation or such local board deem necessary in order to the thorough and efficient repair and reinstatement of such sewer, drain, or other work as aforesaid, and if the Company shall not on demand pay the corporation or the Haydock Local Board, as the case may be, the cost and expense incurred by the corporation or such local board as aforesaid, the corporation or such local board may recover the same from the Company as liquidated damages in any court of competent jurisdiction.

Corporation and Haydock Local Board to have access to sewers and to repair damages caused by works at cost of the Company.

42. The Company may, subject to the provisions of this Act and with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossing, 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

Power to make additional crossings, &c.

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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.

Application
of road ma-
terials exca-
vated in con-
struction of
works.

43. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road belonging to or within the jurisdiction of the corporation shall be deemed to be the property of that body, and the same shall be removed by the Company at their own costs to such place or places within the borough as the surveyor may from time to time direct; and any such paving, metalling, or material excavated from any road under the jurisdiction or control of the justices, or of any road authority other than the corporation, may (but only if and so far as the justices or any road authority respectively deem them satisfactory and proper) 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 the justices, or of such road authority, of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, as amended by the provisions of this Act, required to maintain; and the Company shall deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the bridge surveyor or surveyor for the time being of the road authority, or to such person or persons, and at such place or places, as the bridge surveyor or other surveyor respectively 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 to such bridge surveyor or other surveyor, as the case may be, no appointment is made either by the bridge surveyor or by such other surveyor, as the case may be, 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 the justices, or any road authority, bridge surveyor, or surveyor, or other person, other than the corporation, and 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 promoters and any road authority.

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44. The Corporation shall have power at any time and from time to time, by notice in writing, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the borough, as well for police purposes, regulating traffic, and facilitating traffic on any public occasion, as for the execution of any works by the corporation or any individual, or for any other purpose which the corporation, in the exercise of their powers for the good government of the borough or the safety of the public, deem necessary, such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them, and the Company shall not be entitled to claim any compensation or damages in respect thereof.

A.D. 1879.
Power to Corporation to suspend tramway traffic.

45. The Haydock Local Board shall have power at any time and from time to time, by notice in writing, to absolutely stop, delay, or suspend the working of the tramways in any of the roads within the district of the local board, as well for police purposes, regulating traffic, and facilitating traffic on any public occasion, or for the execution of any works by the local board, or for any other purpose which the local board, in the exercise of their powers for the good government of their district or the safety of the public, deem necessary, such stoppage, delay, or suspension to continue only as long as may be reasonably necessary for the purposes aforesaid or any of them, and the Company shall not be entitled to claim any compensation or damages in respect thereof.

Power to Haydock Local Board to suspend tramway traffic.

46. In the exercise of the powers conferred on the Company by this Act they shall do as little damage as may be, and shall make compensation to the road authorities for all damage sustained by such authorities by reason or in consequence of the exercise of those powers or any of them.

Company to do as little damage as possible.

47. The sole responsibility of maintaining and working the tramways free from damage or accident shall rest with the Company, and they shall have no claim whatever for any damage which may arise from or by reason or in consequence of any works executed or to be executed by any road authority, or the use of any engines, machines, implements, or materials whatsoever by any road authority, in the exercise or discharge of any of their powers, duties, or rights.

Company to be solely responsible.

48. If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within or partly within the borough by the corporation or any company (other than the Company) or person, the Company shall, if and when and as

As to interchange of facilities in respect of any tram-

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ways to be hereafter constructed within the borough.

required by the corporation or such other company or person, permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Company and the tramways of the corporation or such other company or person as aforesaid, and the corporation or such other company or person as aforesaid and the Company shall each respectively, if required by the other, grant to each other and their respective assignees and lessees all such reasonable running powers and traffic facilities over and on their respective tramways, and upon such terms and conditions as to compensation and otherwise, as may be agreed on between them, or, in case of difference, shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870.

As to interchange of facilities in respect of any tramways to be hereafter constructed in the district of the Haydock Local Board.

49. If at any time hereafter any tramways or tramway extensions or additions are constructed or purchased within the district of the Haydock Local Board by that local board or any company (other than the Company) or person, the Company shall, if and when and as required by that local board or such other company or person, permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Company and the tramways of the said local board or such other company or person as aforesaid, and the said local board or such other company or person as aforesaid and the Company shall each respectively, if required by the other, grant to each other and their respective assignees and lessees all such reasonable running powers and traffic facilities over and on their respective tramways, and upon such terms and conditions as to compensation and otherwise, as may be agreed on between them, or, in case of difference, shall be settled in manner provided by the thirty-third section of the Tramways Act, 1870.

Power to purchase lands, &c. by agreement.

50. The Company may from time to time purchase, but only by agreement, any lands which they may require for any of the purposes of their undertaking, not exceeding in the whole five acres, and the Company may erect on such lands such suitable buildings as they think necessary for the purposes of their undertaking.

Power to make agreements.

51. Subject to the provisions of this Act, the Company on the one hand, and the corporation and the Haydock Local Board respectively on the other hand, may enter into and carry into effect contracts or agreements with respect to the laying down, removing, maintaining, renewing, repairing, working, and using of the proposed tramways, and the rails, plates, sleepers, and works connected

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therewith, and for facilitating the passage of carriages and traffic over or along the same, and with respect to the repairing and maintaining of all or any of the roads upon which the tramways or any of them may be laid, and the providing for the expense of such repairs, and with respect to any other matters arising out of this Act. A.D. 1879.

52. 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 two thousand one hundred and sixteen pounds and fourpence consolidated three pounds per centum annuities, being equal to five pounds 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 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; 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 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.

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

53. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers, then

Application
of deposit.

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A.D. 1879. — 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, 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.

Period for
completion of
works.

54. The Company shall and they are hereby required within two years from the passing of this Act to complete and open for public traffic the whole of the tramways authorised by this Act for the whole length thereof respectively, and if they shall fail or make default in so doing, then, on the expiration of that period, the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; and if such failure or default be proved to the satisfaction of the Board of Trade, a like

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order may be made by the Board of Trade as is provided by the Tramways Act, 1870, in the case of "discontinuance of tramways," and thereupon the provisions of that Act shall apply and take effect as though such order were an order duly made under and in pursuance of section 41 of the said Act, declaring the powers of the Company in respect of the whole of the said tramways to be at an end.

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55. The Company may demand and take for any passenger travelling upon the tramways or any part thereof, including tolls for the use of the tramway and of carriages, and for motive power, and for every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and in computing the said tolls and charges the fraction of a mile shall be deemed a mile, but in no case shall the Company be bound to charge a less sum than threepence for the conveyance of an inside passenger, and twopence for the conveyance of an outside passenger: Provided always, that if at any time after three years from the opening for public traffic of the tramways by this Act authorised, it shall be represented in writing to the Board of Trade by the corporation or any road authority, or by twenty inhabitant ratepayers of any parish in which any of the tramways are laid, that the Company are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances their exacting such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Company for the conveyance of passengers for distances not exceeding two miles to twopence, and the Company shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time after making any such order revoke or modify the same for good cause shown to them.

Tolls for passengers.

56. 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.

Passengers luggage.

57. The Company shall not carry upon 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 not to carry animals and goods.

58. The Company shall carry small parcels, but they shall not carry the same on any tramway carriage used for the conveyance of

Company to carry small parcels.

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D. 1879. — passengers, and 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.

Tolls for
small parcels.

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

Periodical
revision of
tolls.

60. 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 are or 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 tolls 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, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls 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:

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Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised. A.D. 1879.

61. The Company at all times after the opening the tramways for public traffic shall and they are hereby required to run carriages on such tramways, and from one extremity thereof to the other, at least twelve times each way every day (Sundays, Christmas Day, and Good Friday excepted), at convenient hours, and any default or failure in this respect (unless arising from circumstances beyond the control of the Company), if continued after twenty-four hours notice from the corporation that the same has occurred, shall be and be deemed a discontinuance to work the tramways within the meaning of the forty-first section of the Tramways Act, 1870; provided that it shall be lawful for the corporation by resolution to require the Company to increase the number of times at which carriages shall be run between any points within the borough to twenty-four each way every day (except as aforesaid), and the Company shall, within one month after they have been duly served with notice of such resolution, increase such number accordingly. Regulating number of carriages to be run daily.

62. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage 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 artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fares 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; provided that if for any continuous period of six months it shall be found that less than twenty passengers shall have been conveyed daily by each of such carriages, the Company, on proof thereof to the satisfaction of the Board of Trade, may discontinue the running of such carriages, but the Board of Trade may at any time order the resumption thereof by the Company if it shall seem desirable to the Board of Trade so to do. Cheap fares for labouring classes.

63. The power of the corporation as the local authority under the Tramways Act, 1870, with respect to the making regulations and byelaws as to the matters and for the purposes therein As to bye-laws of the corporation.

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byelaws, shall extend and apply to the following matters and
purposes; namely,

- (a.) The prescribing the materials, construction, and style of the carriages or cars to be used by the Company on the tramways, and for preventing smoking inside the cars or carriages or the commission of any nuisance in or upon any carriage or car of the Company :
- (b.) The empowering the corporation to cause to be removed from the tramways any carriage or car or any horse which shall be certified by an officer to be appointed by the corporation to be unfit for use :
- (c.) The appointment of an officer or officers to superintend the execution of the powers and provisions of this Act.

Byelaws as
to tolls.

64. The Company may, subject to provisions of section 46 of the Tramways Act, 1870, from time to time make byelaws as to the persons, times, and places to whom and at and in which the tolls and charges by this Act authorised shall be paid.

As to notices.

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

- (1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the corporation shall be sufficiently authenticated by being signed by their town clerk, surveyor, or other authorised officer, and if given by any road authority, by being signed by their clerk or secretary :
- (2.) The Company shall, within three months after the passing this Act, provide and at all times thereafter maintain an office within the boundaries of the borough, which office shall for all purposes be deemed the principal office of the Company :
- (3.) Any notice by or to the Company to or by the corporation, or any road authority or other body, or any company, may be served by being left at the principal office of the corporation, or other authority, body, or company, 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 their principal office, and every such letter shall be deemed to be received by the corporation, authority, body, or company, 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.

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66. Where under the provisions of the Tramways Act, 1870, or this Act, 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, and any statutory modification thereof for the time being subsisting, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

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As to arbitration.
17 & 18 Vict.
c. 125.

67. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall extend or be construed to extend to take away, abridge, lessen, prejudice, or in anywise affect or alter any of the estates, rights, interests, jurisdictions, powers, authorities, immunities, advantages, or privileges of or belonging or appertaining to the corporation, whether as the municipal, road, sewer, or sanitary authority, or otherwise howsoever, but the corporation shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Act had not been passed; and all the powers, rights, and control of the corporation under and in relation to and for all the purposes of this Act shall be co-extensive with the limits of the borough, notwithstanding that any particular road in which any tramway is or may be laid is or may be maintained by any other authority, but this provision shall not take away, lessen, prejudice, affect, or alter in anywise the powers, rights, or control of any such other authority.

Saving rights
of the cor-
poration.

68. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall extend or be construed to extend to take away, abridge, lessen, prejudice, or in anywise affect or alter any of the estates, rights, interests, jurisdictions, powers, authorities, immunities, advantages, or privileges of or belonging or appertaining to the Haydock Local Board, whether as the road, sewer, or sanitary authority, or otherwise howsoever, but the Haydock Local Board shall and may have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Act had not been passed; and all the powers, rights, and control of the Haydock Local Board under and in relation to and for all the purposes of this Act shall be co-extensive with the district of the said local board, notwithstanding that any particular road in which any tramway is or may be laid is or may be maintained by any other authority, but this provision shall not take away, lessen, prejudice, affect, or alter in anywise the powers, rights, or control of any such other authority.

Saving rights
of Haydock
Local Board.

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Saving rights
of the jus-
tices of Lan-
cashire.

69. Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the justices for altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the county palatine of Lancaster, or any hundred therein, which may be crossed or affected by the works of the Company, but all such rights, powers, and authorities shall remain in as full force as if this Act had not passed, and the justices shall not be liable to make any compensation whatever for any damage or injury to the tramways of the Company by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto; provided that in altering or rebuilding such bridge or lengths of roadway adjacent thereto, nothing shall be done to impede or interfere with the tramways and works of the Company for any greater length of time or in any other manner than shall be necessary for the execution of the works, and before commencing such alteration or rebuilding ten days notice thereof shall be given to the Company, and the justices shall afford to the Company all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

If any bridge repairable by the inhabitants of the said county, or of any hundred therein, upon or along which any tramway of the Company is laid, be altered or rebuilt by the justices, they may require the Company to alter any such tramway in such manner as the circumstances of the case may reasonably require; provided that in case of any difference between the justices and the Company as to such alteration, the same shall be referred to an arbitrator to be agreed upon between the parties, or to be appointed for that purpose by the Board of Trade on the application of either party.

Interest not
to be paid
out of capital
on calls paid
up.

70. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

71. 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

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Company to construct any other tramway, or to execute any other work or undertaking. A.D. 1879.

72. Nothing in this Act contained shall exempt the Company or the tramway 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 provisions of any present or future general Tramway Acts.

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

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1879.

