



CHAPTER cxlv.

An Act to authorise the Liverpool United Tramways and Omnibus Company to raise additional Capital and to confer further powers upon them with reference to other Tramways in the neighbourhood of Liverpool and for other purposes. A.D. 1885.

[31st July 1885.]

WHEREAS by the Liverpool United Tramways and Omnibus Company's Act 1879 the Liverpool Tramways Company and the Liverpool Omnibus and Tramways Company Limited were amalgamated and re-incorporated under the name of the Liverpool United Tramways and Omnibus Company (in this Act called "the Company") and all the property powers and privileges of the said companies were thereby transferred to and vested in the Company :

And whereas the following Acts have also been passed relating to the Company that is to say :

- The Liverpool Tramways Act 1868.
- The Liverpool Tramways Act 1870.
- The Liverpool Tramways Act 1871.
- The Liverpool Tramways Act 1872.
- The Liverpool Tramways Act 1875.
- The Liverpool Tramways Act 1880.
- The Liverpool Tramways Act 1882.

And whereas by the Wavertree Tramways Order 1878 and the West Derby Local Board Tramways Order 1878 respectively confirmed by the Tramways Orders Confirmation (No. 1) Act 1878 the Liverpool Corporation Tramways Order 1879 confirmed by the Tramways Orders Confirmation Act 1879 the Walton-on-the-Hill Tramways Order 1880 confirmed by the Tramways Orders Confirmation (No. 2) Act 1880 the Bootle-cum-Linacre Corporation Tramways Order 1881 and the Liverpool Corporation Tramways (Extension) Order 1881 respectively confirmed by the Tramways Orders Confirmation (No. 1) Act 1881 the Liverpool Corporation Tramways (Extensions) Order 1883 confirmed by the Tramways

A.D. 1885. — Orders Confirmation (No. 1) Act 1883 the Bootle-cum-Linacre Corporation Tramways Order 1884 and the Liverpool Corporation Tramways (Extensions) Order 1884 respectively confirmed by the Tramways Orders Confirmation (No. 1) Act 1884 other tramways in the districts and townships of Wavertree West Derby Walton-on-the-Hill and Litherland the parishes of Childwall Walton-on-the-Hill Sefton and Liverpool and the borough of Liverpool respectively were authorised and have been respectively leased to the Company :

And whereas it is expedient that the Company should be authorised to raise further capital for the general purposes of their undertaking and that the other powers contained in this Act should be conferred upon them :

And whereas the objects 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 (that is to say) :—

Short title.

1. This Act may be cited as the Liverpool Tramways Act 1885.

Certain provisions of general Acts herein named incorporated.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to :

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of the creditors of the Company against shareholders ;

The consolidation of shares into stock ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The general meetings of the Company ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

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 ;

Section three (interpretation of terms) 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. A.D. 1885.

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 : Interpretation.

The words "the tramways" shall unless otherwise expressed mean the tramways worked by belonging or leased to the Company ;

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.

4. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands sell and lease any lands purchased or acquired by them or any part thereof and not required for the purposes of or in connexion with their undertaking Provided that every lease granted under the powers of this Act shall take effect in possession within six months after the date thereof and shall not extend beyond the term of twenty-one years from such date. Power for the Company to sell or let lands.

5. The Company may subject to the provisions of this Act raise any additional capital not exceeding in the whole one hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation 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. Power to raise additional capital.

6. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. New shares or stock to be subject to the same incidents as other shares or stock.

7. The capital in new shares or stock so created shall form part of the capital of the Company. New capital to form part of capital of Company.

8. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Dividends on new shares or stock.

A.D. 1885.

Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportionate to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

9. Except as otherwise expressly provided by the resolutions creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act may be of same class.

10. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

11. The Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole twenty-five thousand pounds and the Company may when fifty thousand pounds of the said additional capital has been from time to time issued and accepted and one half thereof has been paid up borrow on mortgage any sum or sums not exceeding in the whole twelve thousand five hundred pounds and when the remainder of the said additional capital has been issued and accepted and one half thereof has been paid up the Company may borrow on mortgage the further sum of twelve thousand five hundred pounds but in neither of the before-mentioned cases 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 so much of each such portion of additional capital as is to be raised by means of shares have been issued and accepted and one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of each such portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were or was issued or their executors administrators successors

A.D. 1885.

or assigns and also if such capital is raised by shares 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.

12. The provisions of the Act of 1879 with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same are hereby repealed but subject and without prejudice to any appointment of a receiver which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provisions.

Provisions of former Act as to appointment of a receiver repealed.

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 five thousand pounds in the whole.

Arrears of interest and principal may be enforced by appointment of a 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 forty-three 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 endorsed with notice that such mortgage will not be a charge upon the tramway or the tramway undertaking in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Indorsement of notice of power of future purchase by local authority.

17. All money raised by the Company on mortgage under the provisions of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of existing mortgages.

18. All money to be raised by the Company on mortgage under the provisions of this Act shall have priority against the Company and the property from time to time belonging to the Company over

Priority of mortgages over other debts.

A.D. 1885. — all claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any mortgage granted or to be granted by the Company under the provisions of any former Acts or any claim for land taken used or occupied by the Company for the purposes of any former Act or injuriously affected by the construction of the works or by the exercise of any powers conferred on the Company.

Application of moneys.

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

Amendment of tolls.

20. Notwithstanding anything contained in any previous Act of the Company or in any of the herein-before recited orders or the Acts confirming the same to the contrary the Company may demand and take tolls and charges not exceeding those set forth in the schedule to this Act for the distances mentioned in such schedule and such tolls and charges may be demanded and taken for the respective distances specified in the said schedule notwithstanding that in some cases part of the distance may be within the city of Liverpool and part within the district of the Walton-on-the-Hill Local Board.

For protection of the Walton Board.

21. The following provisions for the protection and benefit of the local board for the district of Walton-on-the-Hill (in this section called the Walton Board) shall apply and have effect:—

(1.) During the continuance of any lease granted by the Walton Board to the Company of any tramways in Walton-on-the-Hill and subject to the provisions of section 34 of the Walton-on-the-Hill Tramways Order 1880 the Company shall not demand or take any higher fares than those set forth in the schedule to this Act in respect of passengers travelling between the Liverpool Pierhead Exchange or Lime Street and the Black Bull whether at race meetings or on any other occasions or in respect of passengers by cars starting from Walton-on-the-Hill before ten o'clock in the morning or from Liverpool after five o'clock in the evening.

(2.) During the continuance of any such lease as aforesaid the Company shall run through cars every day (except Sundays) between the hours and at the intervals mentioned in subsection 7 of section 38 of the Liverpool Tramways Act 1882 to and from the Liverpool Pierhead or Lime Street from and to one or other of the termini at Aintree and Longmoor Lane and shall by such through cars book passengers through to their respective destinations whether in Liverpool or Walton-on-the-Hill without change of car.

- (3.) The Company and the Walton Board may from time to time enter into and carry into effect agreements for fixing the fares to be charged upon the tramways for the time being leased to the Company provided that such fares do not exceed the fares authorised by this Act and the several Acts and orders affecting the same.
- (4.) The table of fares embodied in the schedule to this Act shall be clearly printed and conspicuously posted and maintained in every car of the Company employed on the said tramways and shall not be altered or varied without the consent of the Walton Board.

22.—(1.) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows : Carrying of
mails by
Company.

(a.) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage ; that is to say :

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

A.D. 1885.
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(c.) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(d.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a secretary or assistant secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Interest not
to be paid
on calls paid
up.

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

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

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

to construct any other tramway or to execute any other work or undertaking. A.D. 1885.

25. Nothing in this Act contained shall exempt the Company or the tramways of the Company 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 to be taken by the Company. Tramways not exempt from provisions of present and future general Tramway Acts.

26. All costs charges and expenses of and incidental 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. 1885.

SCHEDULE referred to in the foregoing Act.

MAXIMUM FARES.

—	Inside.	Outside.
1. Aintree or Longmoor Lane: To or from Exchange Pier-head or St. James Church - Week days	<i>d.</i> 5	<i>d.</i> 4
Sundays -	6	6
2. Aintree or Longmoor Lane: To or from Breeze Hill - - - - - Week days	2	2
Sundays -	3	3
3. Aintree or Longmoor Lane: To or from Spellow Lane - - - - - Week days	3	2
Sundays -	3	3
4. Aintree or Longmoor Lane: To or from Great Homer Street - - - - - Week days	4	3
Sundays -	4	4
5. Black Bull: To or from Exchange Pier-head or St. James Church - Week days	4	3
Sundays -	4	4
6. Black Bull: To or from Great Homer Street - - - - - Week days	3	2
Sundays -	3	3
7. Black Bull: To or from Spellow Lane - - - - - Week days	2	2
Sundays -	3	3
8. Walton Church: To or from Exchange Pier-head or Hill Street - - Week days	3	2
Sundays -	3	3
9. Walton Church: To or from Spellow Lane - - - Week days and Sundays	1	1

The foregoing tariff shall not apply to race meetings and other special occasions for which additional cars may be used and special fares charged.