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*Tramways Act, 1893.*



## CHAPTER ccxvi.

An Act for incorporating and conferring powers on the A.D. 1893.  
Blackpool, Saint Anne's and Lytham Tramways Company  
and for other purposes: [24th August 1893.]

**W**HEREAS the construction of the tramways herein-after described in the county palatine of Lancaster would be attended with public and local advantage and the persons herein-after named with others are willing to construct the said tramways and works on being incorporated into a Company and having the powers herein-after contained conferred upon them :

And whereas plans and sections showing the lines and levels of the tramways authorised by this Act and books of reference thereto were duly deposited with the clerk of the peace for the county palatine 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<sup>a</sup> as follows :—

1. This Act may be cited as the Blackpool St. Anne's and Lytham Short title.  
Tramways Act 1893.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 the Lands Clauses Acts except the provision thereof relating to the entry upon purchase and taking of lands otherwise than by agreement and section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Acts.

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Interpreta-  
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act 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 expression "the tramways" means the tramways by this Act authorised ;

The expression "the undertaking" means the undertaking of the Company ;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated with this Act 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 ;

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

The expression "the commissioners" shall mean the Lytham Improvement Commissioners.

Company  
incorporated.

4. George William Lund John Whalley and Robert Edward Lund and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making maintaining and working the tramways and for other the purposes of this Act and for those purposes shall be incorporated by the name of "the Blackpool St. Anne's and Lytham 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 Blackpool St. Anne's and Lytham Tramways.

Power to  
make  
tramways.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act the Company may make form lay down work use and maintain the tramways herein-after described in the linef and according to the levels 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



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therewith The tramways herein-before referred to and authorised by this Act are— A.D. 1893.

Tramway No. 1 of which 1 furlong 1·24 chains is single line and 1 mile 6 furlongs 9·41 chains is double line commencing at a point 2·86 chains south of the intersection of Rigby Road with the Promenade and passing along the Lytham Road and terminating in that road at the boundary line of the borough of Blackpool on the north side of Squire's Gate Lane ;

Tramway No. 2 of which 2 miles 7 furlongs 8·82 chains is single line and 4 furlongs 6 chains is double line commencing at the termination of Tramway No. 1 and proceeding thence in a westerly direction and crossing the bridge over the Blackpool and Lytham Branch of the Preston and Wyre Railway and thence along Clifton Drive south and terminating in that road at the boundary line between the district of Saint Anne's-on-the-Sea and the township of Lytham ;

Tramway No. 2A of which 1 furlong 5·75 chains is single line and 2·25 chains is double line commencing by a junction with Tramway No. 2 at a point 0·80 chains north of the intersection of Saint Anne's Road with Clifton Drive and passing along Saint Anne's Road and terminating at a point 1·12 chains east of the intersection of Saint Andrew's Road North with Saint Anne's Road ;

Tramway No. 2B 1·25 chains in length is wholly double line commencing by a junction with Tramway No. 2 at a point 0·65 chains north-east of the intersection of Saint Anne's Road with Clifton Drive and proceeding thence along and terminating in Clifton Drive South at a point 0·80 chains south of the intersection of Saint Anne's Road with Clifton Drive ;

Tramway No. 3 of which 1 mile 5 furlongs 7·30 chains is single line and 2 furlongs 7 chains is double line commencing by a junction with Tramway No. 2 at its point of termination and passing thence along Clifton Drive South thence proceeding along Ansdell Road thence along Cambridge Road along the highway leading from Blackpool to Lytham thence along Church Road thence along Clifton Square and terminating in that square at a point 1·86 chains south of the intersection of Henry Street with Clifton Square ;

Tramway No. 4 2 furlongs 7·15 chains wholly single line commencing in Church Road by a junction with Tramway No. 3 at a point 1 chain west of the intersection of Queen Street with Church Road passing along Hastings Place thence along Approach Road thence along Westby Street thence along Park

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Street and terminating by a junction with Tramway No. 3 at a point 5·20 chains east of the intersection of Queen Street with Church Road ;

Tramway No. 5 5·40 chains in length wholly single line commencing by a junction with Tramway No. 4 at a point 0·66 chains south of the intersection of Westby Street with Hastings Place passing along Westby Street and terminating in that street by a junction with Tramway No. 4 at a point 0·90 chains west of the intersection of Park Street with Westby Street.

Arrange-  
ments as  
to the Cor-  
poration of  
Blackpool.

6. Whereas the mayor aldermen and burgesses of the borough of Blackpool (herein-after in this Act called "the Corporation") made application in the present session of Parliament to the Board of Trade for a Provisional Order entitled "the Blackpool Corporation Tramways Order" to authorise the construction of tramways within the borough of Blackpool (herein-after called "the borough") including tramways described in the said Provisional Order as Tramways Nos. 11 12 and 13 in Lytham Road in the borough And whereas the said Tramways Nos. 11 12 and 13 are intended to be constructed upon the same road as Tramway No. 1 by this Act authorised And whereas the Board of Trade made the said Order subject to the confirmation thereof by Parliament And whereas the said Order was included in the Tramways Provisional Orders Confirmation Bill 1893 and a petition was lodged against so much of the said Bill as proposed to confirm the said Order by the promoters of the Bill for this Act and a petition was also lodged against the Bill for this Act by the Corporation and for the purpose of avoiding parliamentary contest an arrangement was come to between the Corporation and the promoters to the effect herein-after enacted Be it therefore enacted as follows:—

(1.) Notwithstanding anything in the Blackpool Corporation Tramways Order 1893 (herein-after referred to as "the Order") contained the Corporation may and subject to the acceptance thereof in accordance with this section by the Company shall grant to the Company a lease of so much of the said Tramways Nos. 11 12 and 13 as is situate between a point 4 chains south of the commencement of the said Tramway No. 11 and the southern boundary of the borough (herein-after in this Act referred to as "the demised tramways") and such lease shall be in the form and for the term and subject to the covenants and conditions contained in the form set forth in the Second Schedule to this Act Provided that the Corporation shall not be required to grant the said lease nor shall the Company be entitled to the same or to use the demised tramways unless and



until the tramways by this Act authorised other than tramways Nos. 1 and 2A shall have been opened for public traffic ;

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(2.) The period for the construction of Tramway No. 1 by this Act authorised shall not commence to run till the expiration of one year from the passing of this Act and if the Corporation shall within such year have bonâ fide commenced to construct the demised tramways and shall duly proceed with and complete the same ready for public traffic within two years from the passing of this Act (but subject as herein-after mentioned) so as to form a continuous and uninterrupted line of communication with Tramway No. 2 by this Act authorised including proper and sufficient communication between the double lines at the said point of commencement thereof to permit of cars passing from one line to the other then the powers by this Act given to the Company for constructing Tramway No. 1 by this Act authorised shall cease and determine but otherwise the same shall remain in full force and be exercisable by the Company for the space of two years from the expiration of one year from the passing of this Act ;

(3.) The Company within two months after completion as aforesaid by the Corporation of the demised tramways shall if a counterpart of such lease shall have been presented to them by the Corporation accept and execute the same And the stamp duty upon and expenses out of pocket incurred by the Corporation in the preparation and execution of the lease and counterpart shall be paid by the Company to the Corporation ;

(4.) The term of the said lease shall be twenty-one years from the day of the opening for public traffic of the demised tramways and the rent to be reserved and made payable under the lease shall be a yearly sum equal to nine pounds per centum upon the aggregate outlay incurred by the Corporation in connection with the construction of the demised tramways as last aforesaid including all royalties (if any) paid by the Corporation in respect of the adopted system cost of all rails tie-rods and materials and also of all labour used and employed in or about the works and the restoring making up and paving the roads Provided always that if the Corporation under any power or authority in that behalf shall prohibit any engine or carriage from running upon the demised tramways or any part or parts thereof on Sundays the rent to be reserved and made payable under the said lease shall during the period of such prohibition be a yearly sum equal to eight pounds per centum per annum

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upon the said aggregate outlay The system to be adopted shall prior to commencement of the construction of the demised tramways be agreed between the Corporation and the Company or their respective engineers or in default of agreement for the space of two months from the passing of this Act shall be fixed by the Board of Trade ;

- (5.) Subject to the proviso to sub-section (1) of this section the Corporation may and shall permit the Company to use the demised tramways when the same shall have been certified to be fit for public traffic until the actual execution of the said lease The Company shall during such interim working perform and observe all such covenants and obligations in relation to the tramways and the traffic as they would be bound by and liable to perform and observe if the lease were granted and shall pay an apportioned part of the yearly rent ;
- (6.) The Corporation and the Company may from time to time agree upon and make such alterations or variations in the said lease and in the amount of rent to be paid thereunder and in any of the covenants and obligations contained therein as may be mutually deemed necessary or expedient ;
- (7.) In the event of such lease as aforesaid being granted if at any time the traffic upon the demised tramways shall require the construction of a double line of tramway between the house now numbered 283 in Lytham Road in the borough and the southern boundary of the borough the Corporation may and shall construct a double line of tramway between the said house and the southern boundary of the borough and upon the opening for public traffic of the said last-mentioned double line of tramway the provisions herein contained as to a lease as aforesaid from the Corporation to the Company shall mutatis mutandis apply to the said double line of tramway ;
- (8.) The Corporation shall if and so soon as Tramway No. 10 by the Order authorised shall be completed and open for public traffic grant to the Company if so required by them in writing under their common seal within one month from the completion of the said Tramway No. 10 a lease of so much of the said Tramway No. 10 as shall extend from a point in Tyldesley Road 73 yards measured along the centre line of Tramway No. 10 as shown on the plans deposited with reference to the Order from the point of commencement of the said Tramway No. 10 to the termination thereof and upon the giving of such notice the provisions herein contained as to a lease as aforesaid



from the Corporation to the Company shall mutatis mutandis A.D. 1893.  
apply to the said portion of Tramway No. 10;

Provided that any lease of the said double line of tramway or of so much of the said Tramway No. 10 as aforesaid as the case may be shall be for the same period as the unexpired term of the lease of the demised tramways;

(9.) The Corporation shall commence the construction of Tramway No. 13 authorised by the Order at the southern boundary of the borough and the Company shall commence the construction of Tramway No. 2 authorised by this Act also at the said southern boundary and so as to secure a continuous line of Tramway from the district beyond the said boundary into the borough. And the Corporation and the Company respectively shall commence their respective last-mentioned works within two months from the commencement of such works by the other of them and each shall complete their respective works within one month from the completion by the other of them of their respective works;

(10.) Any difference which may arise between the Company and the Corporation as to whether or not the Corporation or the Company shall have duly constructed the works which under this section the Corporation and the Company respectively are authorised to construct or as to the true intent or meaning of this section or as to any other thing to be done or not to be done thereunder such difference shall be from time to time referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of such reference shall be in the discretion of the arbitrator.

7. In the event of the Corporation failing to construct and complete the demised tramways in manner aforesaid and of the Company [exercising the powers and authorities conferred upon them by this Act for construction of Tramway No. 1 by this Act authorised the following provisions shall have effect namely:—

(1.) During such period as any engine or carriage shall be prohibited running on Sundays on the tramways constructed under the Blackpool Corporation Tramways Order 1884 no engine or carriage shall without the consent in writing of the Corporation under their common seal run on the tramways laid down within the borough or on any part or parts of such tramways on any Sunday and no driver conductor or other person shall without such consent as aforesaid drive or conduct or cause or suffer to be run any engine or carriage on the tramways laid down within the borough or on any part or parts of such

For the protection of the Corporation of Blackpool in the event of the Company constructing tramway No. 1.

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tramways on any Sunday Every driver conductor or other person offending against the provisions of this sub-section shall be liable to a penalty not exceeding five pounds for each offence;

- (2.) The Company at all times after the opening of the tramway or any part thereof for public traffic shall and they are hereby required to run carriages sufficient for passenger traffic from one extremity thereof to the other at least once in every hour during every day (Sundays excepted) between nine o'clock in the forenoon and nine o'clock in the afternoon;
- (3.) Where within the borough a double line of tramway is laid by the Company the whole of the road between the tramways shall be maintained and kept in good condition and repair by and at the expense and risk in all respects of the Company whatever be the distance at which such tramways shall be laid from each other;
- (4.) If the Company as to such of the tramways as are within the borough fail to comply with the provisions of section 28 of the Tramways Act 1870 or to maintain in good repair any of the rails of which the tramways for the being consist or the sub-structure on which they rest and so as not to be a danger or annoyance to the ordinary traffic the Corporation may after giving to the Company forty-eight hours notice in that behalf (and without prejudice to any other remedy of the Corporation) execute and do all works necessary for such maintenance and repair and for such restoration as in the said section 28 is mentioned and may recover the costs charges and expenses of so doing from the Company with full costs of action as a simple contract debt;
- (5.) In the event of the Company desiring to exercise the powers of sale conferred by the forty-fourth section of the Tramways Act 1870 they shall in the event of such proposed sale being to any person or Company give three months notice in writing to the Corporation of their intention to exercise such power and in the event of the Corporation within such period of three months requiring the Company to sell to the Corporation such of the tramways as may be within the borough the Company shall sell to the Corporation such of the tramways as may be within the borough accordingly upon such terms and conditions as may be agreed upon between the Company and the Corporation or in case of difference as may be determined by an arbitrator to be appointed by the Board of Trade;



- (6.) If at any time any sewer or drain vested in or belonging to the Corporation 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 contractors or servants the Corporation may immediately thereupon or at any time thereafter at the cost and risk in all respects of the Company do and execute such acts and works as the Corporation may deem necessary in order to effect the reinstatement of such sewer or drain to as good a condition as it was in prior to such damage or injury ;
- (7.) Sections 30 31 32 and 33 of the Tramways Act 1870 shall (subject to the provisions of this Act) extend and apply to the Corporation with reference to the several lighting apparatus and sewers belonging to the Corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes and for the purposes of this section the word "company" in those sections shall include the Corporation Provided that all works or interference with or in connection with the lighting apparatus or sewers of the Corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made or executed by the Corporation upon the request but at the cost and risk in all respects of the Company ;
- (8) Whenever the Company desire under the authority of this Act to do any act which may render necessary the alteration removal or displacement of any of the lighting apparatus of the Corporation the Company shall give to the Corporation fourteen days notice in writing of such desire and the Corporation shall thereupon forthwith but without prejudice to the protection afforded to them by the Tramways Act 1870 make such alteration displacement or removal as the case may be and do all works incidental thereto and all expenses that may be thereby reasonably incurred shall be defrayed by the Company ;
- (9.) The Company shall permit the Corporation at all reasonable hours between the hours of twelve p.m. and seven a.m. and in such manner as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways to use any tramways laid down in the borough for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required for the works of the Corporation including any gas water and electricity works of the Corporation free of all tolls and charges in respect of such use and the Corporation may use any such tramway or any part thereof by carriages moved by any power authorised to be used on the tramways Provided

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- that the Corporation shall indemnify the Company against and make good all damage or injury which may be done to the said tramways or be caused by or in consequence of any such user ;
- (10.) The Corporation may cleanse any road within the borough without reference to the tramways but whatever cleansing owing to snow or any matters impeding the traffic may be requisite for the proper working of the tramways shall be executed by the Company at their own cost who shall in such cleansing remove the snow or matter from off the road forthwith and without first placing it on any other part of the road The Company for the purpose of such cleansing shall not without the consent in writing of the Corporation in every case use or suffer to be used any salt or chemical material ;
- (11.) All moneys payable by the Company to the Corporation under the provisions of this Act shall be payable on demand and (save as otherwise provided) in default thereof may be recovered by the Corporation from the Company as a simple contract debt ;
- (12.) The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and all penalties for the breach of any provisions of this section shall be paid to the Corporation ;
- (13.) The special provisions in this Act contained for the protection of the Corporation shall not be deemed to supersede or dispense with the provisions of the Tramways Act 1870 but those provisions respectively (except in so far as they may be varied by or be inconsistent with any of the special provisions of this Act) shall be and remain in full force and effect ;
- (14.) If any dispute or difference under this section or for the settlement of which no special provision is made by this Act shall arise between the Corporation and the Company respecting any act matter or thing to be done or not to be done or any money other than a penalty to be paid under or in pursuance of this Act such dispute or difference shall be settled in the manner prescribed by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Capital.

8. The capital of the Company shall be one hundred thousand pounds in ten thousand shares of ten pounds each.

Shares not to issue until one-fifth part thereof shall have been paid up.

9. The Company shall not issue any share created under the authority of this Act 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.



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.

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Calls.

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.

Receipt in  
case of  
persons not  
sui juris.

12. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds and of that sum they may from time to time borrow any sum not exceeding twelve thousand five hundred pounds in respect of each fifty thousand pounds of their capital but no part of either of such sums of twelve thousand five hundred pounds shall be borrowed until the whole of the portion of capital of one hundred thousand pounds in respect of which the same is borrowed is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth 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 that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided also that the Company shall not be entitled to exercise any power of borrowing under the provisions of this section until they shall have constructed continuous tramways equal to one-half in length of the tramways by this Act authorised exclusive of Tramway No. 1.

Power to  
borrow.

13. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not remain a charge upon the tramway or the undertaking or any part thereof in the event of purchase by the local authority under the power of purchase conferred by section 43 of the Tramways Act 1870.

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



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Application  
of moneys.

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

For appoint-  
ment of a  
receiver.

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

Company not to  
create debenture  
stock.

16. The Company shall not create debenture stock.

Mortgage  
to comprise  
purchase  
money  
paid on  
compulsory  
sale.

17. 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 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

First  
ordinary  
meeting.

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

Number of  
directors.

19. The number of directors shall be five but the Company may from time to time alter the number provided that the number be never less than three nor more than five.

Qualification  
of directors.

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

Quorum for  
meeting of  
directors.

21. The quorum for a meeting of directors shall be three.

First  
directors.

22. George William Lund John Whalley and Robert Edward Lund and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of  
directors.

23. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places



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of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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24. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand six hundred and one pounds eighteen shillings and ten pence has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (herein-after referred to as "the deposit fund") representing five per centum upon the amount of the estimate in respect of the tramways 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 tramway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramway 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 tramway 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 tramway so opened bears to the entire length of the tramway hereby authorised the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Tramway  
deposit fund  
not to be  
repaid until  
line opened.

25. If the Company do not previous to the expiration of the period limited for the completion of the tramway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been

Application  
of tramway  
deposit fund.



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interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof and also in compensating all road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors or the persons claiming through or under them. Provided also that so much of the deposit fund as shall be applicable to Tramway No. 1 by this Act authorised shall be repaid to the depositors in manner aforesaid if and so soon as the Corporation shall commence to construct the tramways authorised by the Blackpool Corporation Tramways Order 1893 and referred to in the section of this Act of which the marginal note is "Arrangements as to the Corporation of Blackpool."

Carriages on tramways may be moved by animal electric or mechanical power.

**26.** The carriages used on the tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant-secretary of the said Board by electric power or such other mechanical power as may be from time to time approved by the Board of Trade other than steam power or cable power (that is to say) by wire ropes placed underground and worked by stationary engine power :



Provided always that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the First Schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of any power other than animal power on the tramways.

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**27.** In the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect:—

Provisions  
for protection  
of the Post-  
master-  
General.

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

(2.)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;



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- (B) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration ;
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section ;
- (7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation



of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act : A.D. 1893.

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

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

For protection of gas water and electric works.

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

(2.) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances ;

(3.) The exercise of the powers by this Act conferred with respect to the use of electric power shall be subject to regulations to be prescribed by the Board of Trade within nine months after the passing of this Act herein-after referred to as the prescribed regulations and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;

(4.) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been

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recovered or not the Board of Trade in case in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use the electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order;

- (5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of three years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents Provided further that the Board of Trade may by order extend the said period of three years in respect of all or any part or parts of such wires lines and apparatus and in every such case the Board shall make a special report to Parliament notifying the making of such order and the reasons therefor If any difference arises



between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;

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- (6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes ;
- (7.) The expression "the Company" in this section shall include their lessees and the licensees of any person owning or using any tramway of the Company.

**29.** Whereas the tramways by this Act authorised or some of them pass through and along roads in the districts of Lytham and Saint Anne's-on-the-Sea which have not yet become highways repairable by the inhabitants at large and there is no local authority or road authority as defined by the Tramways Act 1870 having jurisdiction over the same And whereas such roads were made by the predecessor in title of John Talbot Clifton the now owner of the Clifton estates and the soil of such roads and of the land adjoining thereto now belongs to the said John Talbot Clifton who with his successors in title are hereafter referred to as "the owner" Be it enacted as follows:—

For protection of the owner of the Clifton estates.

- (1.) The tramways so far as the same pass through and along the roads of the owner shall be constructed and maintained in accordance with the general provisions of the Tramways Act 1870 and this Act relating to the construction and maintenance of the tramways ;
- (2.) So long as the said roads or any of them shall not be highways repairable by the inhabitants at large the owner shall have the like rights privileges powers and authorities in respect to each of such roads as if he were the road authority within the meaning of the Tramways Act 1870 and this Act and the term "road authority" or "road authorities" wherever used in the Tramways Act 1870 and in this Act (save as regards anything therein contained affecting the right to purchase the said tramways) shall be deemed to include the owner ;
- (3.) If and so soon as the roads or any of them shall become highways repairable by the inhabitants at large and subject to the road authority for the district in which the same are



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respectively situate the provisions of this section shall become absolutely null and void save so far as any of the obligations of the Company or the owner thereunder towards each other shall respectively remain unfulfilled up to the date of such roads becoming highways repairable by the inhabitants at large;

(4.) In constructing Tramway No. 2 the Company shall if so required by the owner or other the road authority for the time being having control of the road upon which such Tramway No. 2 is authorised to be laid alter and improve the levels of the said roadway at or near the approaches and the approaches at both ends of the bridge carrying the said road over the Preston and Wyre Railway to such extent as will reduce the present gradient of the said road to a gradient of not more than one foot in thirty feet. Provided nevertheless that nothing herein contained shall authorise or require the Company to alter or interfere with the structure of the said bridge without the consent in writing of the railway company or companies or person or persons being the owners of or liable for the maintenance of the said bridge;

For the purpose of the alterations of the aforesaid approaches the Company shall be entitled to take from the sandhills on the land of the owner at a point to be fixed by such owner but near to the bridge in question such sand as they shall require without making any payment or compensation.

**30.** The following provisions for the protection of the Lancashire and Yorkshire and London and North Western Railway Companies as joint owners of the Preston and Wyre Railway (in this section called "the two companies") shall at all times unless otherwise agreed between the company and the two companies and subject to the provisions of this Act be observed and have effect (that is to say) :—

(1.) The Company shall not commence to lay down any part of Tramway No. 2A in Saint Anne's Road without the consent in writing of the two companies under their respective common seals;

Provided that notwithstanding anything in the Tramways Act 1870 or in this Act contained if the Company owing to their not having obtained such consent shall have been unable within the time limited by this Act for construction of the tramways by this Act authorised to construct and complete Tramway No. 2A the Company may at any time within twelve months from the date of their obtaining such consent construct and complete the said Tramway No. 2A;

For protection of the Lancashire and Yorkshire and London and North Western Railway Companies.



(2.) No crossing, passing-place, siding, junction, turnout, or other work shall be made on for or in connexion with so much of Tramway No. 1 as will extend over the distance in front of the South Shore station of the two companies and for a length of ten yards at each end thereof or so much of Tramway No. 3 as will extend over the distance in front of the station of the two companies at Ansdell and for a length of ten yards at each end thereof or so much of Tramway No. 4 as will extend over the distance in front of the Lytham Station of the two companies and for a length of ten yards at each end thereof or as will be situate in the approach road to that station without the consent in writing of the two companies and in working the said tramways respectively no tramcar, or other carriage or vehicle used thereon shall without the consent in writing of the two companies be stopped or permitted to stop on the before-mentioned portions of tramways except for and only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers;

(3.) Where any tramway by this Act authorised is laid along a road which is carried by means of a bridge over any railway of the two companies the Company shall so construct and maintain the same as not to alter or interfere with the structure of any such bridge or of the approaches thereto unless such alteration or interference be absolutely necessary for the construction of such tramway;

(4.) In the event of any such alteration or interference the Company shall together with the notice required in such cases in section twenty-six of the Tramways Act 1870 submit to the two companies detailed drawings and specifications showing the proposed work as affecting such bridge and if any difference arise between the Company and the two companies as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Company shall so construct and maintain the tramway as not to injuriously affect the stability of such bridge and the approaches thereto;

(5.) In the event of any injury being caused to any such bridge or the approaches thereto by the construction, laying, maintenance, repairing, user or removal of the tramways the two companies may at the expense of the Company on giving to the Company two clear days notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned

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and the Company shall indemnify the two companies against all sums costs and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Company) so much of the road over such bridges and approaches as the Company are liable to maintain under section 28 of the Tramways Act 1870 and the two companies may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable ;

- (6.) All works which may be necessary in constructing laying and maintaining the tramways over any such bridge shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the engineer of the two companies or in case of difference of an engineer to be appointed by the Board of Trade on the application of the two companies or the Company ;
- (7.) In case it shall become necessary in consequence of the existence or user of the tramways to strengthen the fabric of any such bridge the two companies may execute such works as their engineer may deem necessary but in all things at the expense of the Company and the two companies may recover from the Company all moneys expended by them in the execution of such works as aforesaid together with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable ;
- (8.) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the two companies shall give the Company three clear days notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the two companies shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay ;
- (9.) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the two companies ;
- (10.) In constructing and maintaining any pipes and excavations under the tramways authorised by this Act in order to lay use



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or maintain electric conductors or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such apparatus in any place where such tramways cross any railway bridge carrying any road over a railway of the two companies the following provisions shall be in force and have effect and be binding upon the Company and their successors and assigns:—

- (A.) The Company shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations and apparatus over such bridge and the approaches thereto as not injuriously to affect the same;
- (B.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations and apparatus the two companies may at the expense of the Company restore such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the two companies against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over or under such bridge and approaches as the Company are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the two companies may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable;
- (C.) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations or apparatus over any railway bridge works or other property of the two companies shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the two companies or in case of difference of an engineer to be appointed by the Board of Trade on the application of the two companies or the Company;
- (11.) All differences that may arise between the Company and the two companies touching anything to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by a referee to be nominated by the

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Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall apply to all differences arising between the Company and the two companies touching all matters and things done or omitted to be done by either the Company or the two companies under the provisions of this section.

Penalty for using power other than animal power contrary to order or regulations.

**31.** The Company or any company or person using electric or other mechanical power on the tramways contrary to the provisions of this Act or to any of the regulations set forth in the First Schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction therefor. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using any such power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the First Schedule to this Act annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

**32.** Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any power other than animal power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

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

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



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

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

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

**33.** The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

As to recovery of penalties.

**34.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which motors or carriages are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

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

**35.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Act and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

Orders and byelaws.

**36.** Where the Company or any other company or person intend or intends to use any power other than animal power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice in writing of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend or intends to use such power are or is situate.

As to contracts with road authorities where power other than animal power is used.

Where at the time of the giving of any such notice any contract or agreement or arrangement is in force with respect to the user by the

A.D. 1893. — Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of any power other than animal power upon the tramways or such part thereof be determined and of no effect.

Before using electric or other mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure



or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while any such appeal is pending the Board of Trade may order that no power other than animal power shall be used on the tramways to which such appeal relates. A.D. 1893.

No electric or other mechanical power shall be used on the tramways or any part of the tramways unless there is in force in relation to the tramways [or such part of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

**37.** Where electric or other mechanical power is used by the Company or any other company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of any such power with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which the tramways or such part of the tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of any power other than animal power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Where power other than animal power is used contract with road authority not to be for longer than two years at a time.



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Mode of  
formation of  
tramways.

**38.** Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road.

Inspection  
by Board  
of Trade.

**39.** The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways  
to be kept  
on level  
of surface  
of road.

**40.** If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company may and shall from time to time forthwith alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered and in default thereof the road authority (without prejudice to any other remedy) may so alter the rails and recover the cost of and incident thereto from the Company in any court of competent jurisdiction.

Further  
provisions  
as to con-  
struction of  
tramways.

**41.** In addition to the requirements of section 26 of the Tramways Act 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 or renewing any of the tramways lay before the Board of Trade and the road authority 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 (except for the purpose of necessary repairs) or 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 the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of  
tramways.

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

Penalty for  
not main-  
taining rails  
and roads.

**43.** The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Company at any time fail to



comply with this provision or with the provisions of sections 25 and 28 of the Tramways Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

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In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

44. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to construct lay down maintain alter and remove any new or additional sewers and drains and to lay lateral and private drains to communicate with their existing sewers or drains or any such new or additional sewers and drains without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Sanitary authority to have access to sewers.  
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45. In construing sections 30 and 32 respectively of the Tramways Act 1870 for the purposes of this Act the word "Company" shall be deemed to include the commissioners.

Company, in sections 30 and 32 of Tramways Act 1870 to include the commissioners.  
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46. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Company may be required to use improved form of rail.  
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47. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath

Passing-places to be constructed  
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A.D. 1893.

where less  
than a  
certain  
width left  
between  
footway and  
tramway.

Power to  
make  
additional  
crossings &c.

on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing-place or places connecting the one tramway with the other and by the means of such passing-place or places the traffic shall when necessary be diverted from one tramway to the other.

**48.** The Company may subject to the provisions of this Act and with the previous consent in writing of the local authority and road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses sheds or works of the Company. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Company  
may lease  
and work  
tramways  
belonging  
to the Cor-  
poration.

**49.** The Company may take on lease run over work and use by agreement with the Corporation any future tramways or tramway of or belonging to the Corporation upon such terms and conditions and subject to payment of such compensation tolls rates and charges as may from time to time be agreed between the Company and the Corporation.

Agreements  
between the  
Company  
and road  
authorities.

**50.** The Company and any road authority may subject to the provisions of this Act from time to time enter into agreements with respect to the constructing forming laying down maintaining removing renewing repairing working and using of the tramways and the rails plates sleepers and works connected therewith and with respect to the widening and improvement of any roads or streets upon or along which the tramways or any part thereof are or are intended to be laid or constructed and for facilitating the passage of carriages and traffic over and along the same or any part thereof.

Temporary  
tramways  
to be made  
where  
necessary.

**51.** Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent in writing of the road authority and subject to such conditions and in



[56 & 57 VICT.] *Blackpool, St. Anne's, and Lytham* [Ch. ccxvi.]  
*Tramways Act, 1893.*

accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

A.D. 1893.

If any difference arise between the Company and any road authority with respect to the reasonableness of any such conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act for the settlement of the differences in that section mentioned.

**52.** Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section twenty-eight of the Tramways Act required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act with respect to differences between the Company and any road authority.

Application  
of road  
materials  
excavated in  
construction  
of works.

**53.** Subject to the provisions of this Act with respect to the completion of Tramways Nos. 1 and 2A if the tramways be not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to

Time for  
completion  
of works.



[Ch. ccxvi.] *Blackpool, St. Anne's, and Lytham* [56 & 57 Vict.]  
*Tramways Act, 1893.*

A.D. 1893. the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Land by agreement.

**54.** The Company may from time to time purchase and acquire by agreement any lands not exceeding in the whole five acres and may erect and hold stables offices buildings and other works and conveniences on any such lands and may from time to time by agreement take easements over lands and may erect set up maintain and use on and in any such lands buildings and works all machinery and apparatus necessary for producing and storing electricity and for constructing and repairing tram cars omnibuses and other vehicles to be used in connexion with their undertaking Provided always that nothing in this Act contained shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Restriction on taking houses of labouring class.

**55.** The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been and shall be subsequently so occupied.

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

Rates for passengers.

**56.** The Company may demand and take for every passenger travelling upon the tramway or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and in computing the said rates 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 two pence Provided nevertheless that no passenger conveyed only within the district of the commissioners shall be charged more than one penny for any distance he shall be so conveyed.



[56 & 57 VICT.] *Blackpool, St. Anne's, and Lytham* [Ch. ccxvi.]  
*Tramways Act, 1893.*

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

A.D. 1893.  
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Passengers  
luggage.

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

Small  
parcels.

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

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

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

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

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

**59.** The rates and charges by this Act authorised to be taken for passengers (including therein the cheap fares for the labouring classes) shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of those rates and charges appoint.

As to mode  
&c. of pay-  
ment of  
passenger  
rates.

**60.** A list of the rates and charges by this Act authorised to be taken for passengers (including therein the cheap fares for the labouring classes) and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside only of each of the carriages used upon any of their tramways for the conveyance of passengers.

List of rates  
to be ex-  
hibited.

**61.** The Company shall not use upon the tramways carriages or trucks constructed for use upon railways and no carriage shall have any other carriage attached thereto.

Company not  
to use carriages  
constructed  
for use on  
railways.

**62.** The Company shall not carry on the tramways any goods animals or other things other than passengers luggage not exceeding the weight in this Act in that behalf mentioned and such small parcels not exceeding in the case of each parcel fifty-six pounds in

Company  
not to carry  
animals and  
goods.



[Ch. ccxvi.] *Blackpool, St. Anne's, and Lytham* [56 & 57 Vict.]  
*Tramways Act, 1893.*

A.D. 1893. weight as can be conveyed in or on the passenger carriages without  
annoyance or inconvenience to the passengers.

Cheap fares  
for labouring  
classes.

**63.** The Company at all times after the opening of the tramway 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 fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Periodical  
revision of  
rates.

**64.** 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 rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act and if such referee report that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

Carrying of  
mails by  
Company.

**65.—(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:— A.D. 1893.

(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 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:

(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 except in charge of an officer of the post-office travelling as a passenger.

(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.

[Ch. ccxvi.] *Blackpool, St. Anne's, and Lytham* [56 & 57 Vict.]  
*Tramways Act, 1893.*

A.D. 1893.

(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.

Provision  
as to arbi-  
tration.

**66.** Where under the provisions of the Tramways Act or this Act any matter in difference is referred to the arbitration of any person to be nominated by the Board of Trade the provisions of the Arbitration Act 1889 or any Act or rules whereby the same has been or may be modified or superseded shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and  
delivery of  
notices.

**67.** With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

- (1.) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk ;
- (2.) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body 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 or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered and every such letter shall be deemed to be received by the local or road authority or other body or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal or other office as aforesaid in the ordinary course of post.

Interest not  
to be paid  
on calls  
paid up.

**68.** 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



[56 & 57 VICT.] *Blackpool, St. Anne's, and Lytham* [Ch. ccxvi.]  
*Tramways Act, 1893.*

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. A.D. 1893.

**69.** 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. Deposits for future bills not to be paid out of capital.

**70.** Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Act. Provision as to general Tramway Acts.

**71.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company. Costs of Act.

[Ch. ccxvi.] *Blackpool, St. Anne's, and Lytham* [56 & 57 VICT.]  
*Tramways Act, 1893.*

A.D. 1893. The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

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**Break power.** Every carriage moved by any power other than animal power used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine or carriage from operating and for bringing such engine or carriage to a stand as the Board of Trade may from time to time think sufficient.

**As to fittings of carriages.** Every carriage moved by any power other than animal power used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender or guard to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver or the conductor of every carriage so placed in front of such carriage as to command the fullest possible view of the road before him.

**As to carriages.** Every carriage used on the tramways shall be so constructed as to provide for the safety of the passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the motive power used for propelling such carriage.

**Inspection of carriages.** The Board of Trade shall on application of the local authority of any district in which any power other than animal power is used on the tramways and may on complaint made by any person from time to time inspect any carriage used on the tramways and the machinery and motive power therein and may whenever they think fit prohibit the use on the tramways of any such carriage which in their opinion may not be safe for use on the tramways.

**As to speed.** The speed at which carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

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SECOND SCHEDULE.

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THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ 189 between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BLACKPOOL in the county palatine of Lancaster acting by the Council (herein-after called or referred to as "the Corporation") of the one part and THE BLACKPOOL SAINT ANNE'S AND LYTHAM TRAMWAYS COMPANY incorporated by the Blackpool Saint Anne's and Lytham Tramways Act 1893 (and which Company and their successors and assigns are herein-after referred to and included under the description of "the lessees") of the other part Whereas the Corporation have



[56 & 57 VICT.] *Blackpool, St. Anne's, and Lytham* [Ch. ccxvi.]  
*Tramways Act, 1893.*

in pursuance of the powers in that behalf conferred upon them by the Blackpool Corporation Tramways Order 1893 (herein-after referred to as "the Order") which was confirmed by the Tramways Orders Confirmation Act 1893 constructed the tramways and works herein-after described and the user whereof is intended to be hereby demised (herein-after referred to as "the demised tramways") in accordance with the provisions in the Order contained with all proper rails plates and conveniences connected therewith or for the purposes thereof And whereas the Blackpool Saint Anne's and Lytham Tramways Act 1893 (herein-after called "the Act") as introduced into Parliament as a Bill contained provisions for authorising the lessees to construct within the borough of Blackpool herein-after called "the borough") a tramway on the same road as the demised tramways and the Act and the Order as introduced into Parliament were competing measures And whereas for the purpose of avoiding contest in Parliament an agreement was come to between the Corporation and the lessees which authorised the construction by the Corporation of the demised tramways and the granting of a lease of the same to the lessees for the term and subject to the covenants and conditions herein-after contained Now this indenture witnesseth that in pursuance of the said agreement and in consideration of the yearly rent herein-after reserved and of the covenants and agreements by the lessees herein-after contained They the Corporation in exercise of all the powers in that behalf enabling them do hereby (subject to the exceptions reservations and covenants herein contained) demise unto the lessees The sole right of user by means of carriages moved by electrical or animal or such other power as the lessees may be authorised to use and as may be approved by the Corporation and the Board of Trade and for all purposes authorised by the Act and the Order so much of the tramways constructed as aforesaid as extends from a point in the Lytham Road in the borough four chains south of the commencement of Tramway No. 11 by the Order authorised to the southern boundary of the borough in Lytham Road aforesaid and all passing places and other similar works constructed by the Corporation in connection therewith but not including the remainder of the said Tramway No. 11 together with the right of demanding and taking in respect of the same such tolls and charges as are authorised by the Act and Order Excepting and reserving nevertheless unto the Corporation and any their lessees the right of user (as a connexion with or between the existing tramways of the Corporation and the remainder of the said Tramway No. 11 and any tramways constructed by the Corporation in Station Road and Cowgap Lane in the borough respectively under the Order or any future Act or Order obtained by the Corporation) by means of carriages moved by any power mentioned in the Act or Order or any power now or hereafter authorised of so much of the demised tramways as is situate between the said point of commencement of the demised tramways and a point one chain south of the termination of Tramway No. 14 described in the Order and reserving unto the Corporation and any their lessees the right of demanding and taking in respect of so much of the demised tramways as aforesaid and any carriages thereon such tolls and charges as are authorised by the Order Provided always that the rights herein-before reserved shall be exercised by the Corporation and any their lessees as aforesaid in such manner as not to unduly interfere with the enjoyment by the lessees of the demised tramways and so as not to unduly obstruct or impede in any way the traffic of the lessees upon or over the same And excepting and reserving as provided by the said Tramways Act 1870 the right of the public to pass along or across every or any part of any road or street along

A.D. 1893.



[Ch. ccxvi.] *Blackpool, St. Anne's, and Lytham* [56 & 57 VICT.]  
*Tramways Act, 1893.*

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or across which the demised tramways or any part thereof are or is laid whether on or off the tramway with carriages not having flange wheels or wheels suitable only to run on the rail of the tramway And also excepting and reserving to the Corporation and to all or any railway gas waterworks electric light or telephone companies full power and authority to exercise all and every or any powers or power now or to be hereafter vested in or exercisable by them respectively in relation to the demised tramways or the streets bridges or roads in on or across which the same are or will be laid or the gas or water pipes or the sewers and drains or any channels for telegraph or electric or other wires and every or any other purpose in or under or over such streets bridges or roads but subject to any statutory provisions and restrictions for the time being in force with reference to the exercise of all and every or any such power as last aforesaid To have and to hold the said rights of user and premises hereby demised except and reserved as aforesaid unto the lessees from the                    day of                    189   for the full term of twenty-one years thence next ensuing Yielding and paying to the Corporation yearly during the said term the clear yearly rent or sum of £                    the rent for the first year to be paid in advance upon the execution of these presents and the rent for the subsequent years to be paid by equal quarterly payments on the                    day of                    the                    day of                    the                    day of                    and the                    day of                    in every year the first of which quarterly payments is to become due on the                    day of                    189   Provided always and it is hereby agreed and declared that in case the Corporation under any power or authority in that behalf shall prohibit any engine or carriage from running on the demised tramways on Sundays then and in such case and so long as such prohibition shall continue the rent herein-before reserved or made payable shall during the period of such prohibition be reduced to the clear annual rent or sum of £                    to be payable by equal quarterly payments at the dates and in manner aforesaid and such reduced rent shall during the period of such prohibition be deemed to be the rent payable under these presents in lieu of the rent herein-before mentioned but that if the said prohibition shall be imposed in the interval between two quarter days during the said term then and so often as the same shall happen the quarterly payment of rent to be paid on the next quarter day after such prohibition shall consist of an apportioned part of the larger rent from the quarter day preceding such prohibition to the date of such prohibition and an apportioned part of the reduced rent from that day for the residue of the quarter.

In case the Corporation under the section contained in the Order of which the marginal note is "For the protection of the Lancashire and Yorkshire and London and North Western Railway Companies" shall by reason of the existence or working by the lessees of the demised tramways pay or expend any sum or sums of money or incur any costs or expenses in or about the railway bridge in Lytham Road in the borough or the approaches to such bridge the lessees shall on demand during the continuance of this demise pay to the Corporation an increased rental equal to interest upon such sum or sums of money costs or expenses after the rate of £9 per centum per annum or at such reduced rate as aforesaid as the case may be calculated from the day or respective days of such payment or expenditure and such increased rental shall be payable upon the days and recoverable in like manner as the rent hereby reserved.

And the lessees do hereby covenant with the Corporation in manner following (that is to say) :—



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1. The lessees shall and will pay to the Corporation during the said term of twenty-one years the clear yearly rent of £            herein-before reserved or the said reduced rent if and when such reduced rent shall be payable at the times and in manner aforesaid unless and until the Corporation shall in writing under the hand of their town clerk demand payment of the said rent herein-before reserved or the said reduced rent quarterly in advance in which case the lessees shall thereafter pay each quarterly payment of the said rent herein-before reserved or the said reduced rent as the case may be in advance on the first day of the quarter in respect whereof the same shall be payable.
2. The lessees shall also at all times during the said term hereby granted bear and pay all taxes rates charges and assessments parliamentary parochial municipal or otherwise which shall in respect of the rights hereby granted or demised be taxed rated charged or assessed or payable in respect of the demised tramways other than landlords or lessors property tax (if any) and parade rates (if any) in respect of the demised tramways and shall save harmless and keep indemnified the Corporation from and against the same and all claims in respect thereof.
3. The lessees shall not at any time during the said term demand or take any higher or other tolls and charges than such as are or shall for the time being be authorised by the Order to be demanded and taken and the lessees shall perform and observe all the provisions of the Order and of the Tramways Act 1870 relating to or affecting such tolls and charges.
4. The lessees shall not at any time during the said term demand or take any toll or charge for any child in arms travelling on the demised tramways in charge or custody of any passenger travelling upon the demised tramways or any part thereof nor for any child being under the age of eight years any higher toll or charge per mile than one half of the toll or charge per mile which is for the time being charged for every ordinary passenger.
5. The lessees shall (if and when required by the Board of Trade or the Corporation) at all times during the said term hereby granted perform observe and comply with the provisions of the Act or Order as to running carriages for artisans mechanics and daily labourers within the borough.
6. The lessees shall from time to time run a sufficient number of carriages for use on the demised tramways and all such carriages shall be constructed so as to be suitable for being moved by electrical power and also (if necessary) by animal power.
7. The lessees shall not run any carriage on the demised tramways until the lessees shall have obtained a license from the Corporation for the use thereof which license the lessees will cause to be renewed from year to year as required by law but such licenses shall not be unreasonably withheld A fee of five shillings shall be paid for each such license.
8. The lessees shall not employ any driver conductor or other person having charge of any carriage on or about the demised tramways unless such driver conductor and other person shall have previously obtained a license from the Corporation but such license shall not be unreasonably withheld Each such license shall be in force for one year from the date thereof and the following fees shall be paid for the same that is to say for each license for a driver two shillings and sixpence and for each license for a conductor or other person having charge one shilling and sixpence.



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9. The lessees shall publish in their offices and inside each of the carriages tables denoting the tolls and charges from time to time appointed to be taken by them (not exceeding the tolls and charges authorised by the Act and Order).
10. The lessees shall so far as reasonably practicable keep the demised tramways and rails clear for the traffic on the demised tramways and remove all mud sand gravel snow dirt and other accumulations and obstructions therefrom as often as required and in particular between the hours of one and eight o'clock in the forenoon but they shall not use for this purpose salt or any chemical material unless approved by the Corporation Provided always that the lessees shall not be obliged to remove the mud sand gravel snow or dirt further than to the outside of one or both of the rails and shall be entitled to place it in the road there so that it may be removed by the Corporation in due course Provided always that all mud sand gravel snow or dirt removed by the lessees under this clause otherwise than between the hours aforesaid shall be removed by them at their own expense to such store yards of the Corporation or other place or places within the said borough as the Corporation may direct.
11. The lessees shall work the demised tramways in such a manner as to cause as little wear and tear as practicable and will at all times do such things as may be necessary for protecting the demised tramways from being injured and they shall take special care that the carriages keep to the metals and that the wheels are not permitted to leave the metals and injure the pavement of the road.
12. The lessees shall permit any person duly appointed by the Corporation to inspect on their behalf the working of the demised tramways to ride free of charge for the whole or any part of a journey in or upon any carriage upon the demised tramways.
13. The lessees shall at all times during the continuance of the term hereby granted use the demised tramways for the conveyance of passengers and parcels subject as herein provided and not otherwise And for the purpose above mentioned and of the user hereby granted and not otherwise shall during the continuance of this demise run carriages once at least each way in every hour during every day over the whole length of the demised tramways between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon except days upon which traffic may be prohibited upon the tramways by any byelaw or regulation to be made as herein-mentioned (but this condition or provision is without prejudice to the powers of the Corporation under any byelaws or regulations from time to time made under the authority of the Tramways Act 1870 or any amendment thereof or the Order) for the use and conveyance of passengers with their personal luggage (not exceeding twenty-eight pounds in weight for every passenger) and small parcels over the entire length of the demised tramways and any temporary tramway or temporary tramways which may from time to time be constructed as herein-after provided in lieu of the demised tramways.
14. The lessees shall at all times during the term hereby granted so far as affects the demised tramways well and faithfully observe and obey all and every the byelaws and regulations which the Corporation shall from time to time make in pursuance of any Parliamentary powers for the time



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being authorising the Corporation in this behalf as to the following matters A.D. 1893.  
namely:—

- (1.) The rate of speed to be observed in travelling upon the tramway ;
  - (2.) The distances at which carriages using the tramway shall be allowed to follow one after the other ;
  - (3.) The stopping of carriages using the tramways ;
  - (4.) The traffic on the roads in which the tramways are laid ;
  - (5.) For prohibiting any engine or carriage from running upon the tramways or any part thereof on Sunday Christmas Day or Good Friday or any part of such days or on any day or days on which from the nature of the roads in which the tramways or any of them are laid or from any other cause whatsoever the Corporation or any officer appointed by them may consider the tramways or any of them unfit for traffic ;
  - (6.) And for any other purposes authorised by such powers ;
- and the lessees shall upon the request of the Corporation concur with them in making such byelaws or regulations as the Corporation may think fit for preventing the commission of any nuisance or other offence in or upon any carriage or in or upon the demised tramways and for regulating the travelling in or upon any carriage running upon the demised tramways and shall enforce the due observance of all such byelaws or regulations.
15. The lessees shall not without the consent of the Corporation convey or permit any goods or things other than passengers luggage not exceeding 28 lbs. in weight and small parcels not exceeding 56 lbs. weight to be conveyed in or upon any carriage which is intended for the conveyance of passengers and shall not affix or suffer or permit any advertisement placard or other such thing to be affixed to or exposed in or upon any carriage running over and upon the demised tramways or to any part or parts of the demised tramways which may be of an offensive immoral or improper character and upon notice being given in writing to the Company by the Corporation under the hand of their town clerk every advertisement placard or other such thing as shall be in contravention of this Article shall be removed by the lessees forthwith and the lessees shall at all times maintain and keep all the carriages running over or using the demised tramways both externally and internally in good order and condition.
  16. The lessees shall not use any other motive power than electric or animal power upon the demised tramways at any time during the term hereby granted except with the consent in writing of the Corporation under the hand of their town clerk even though any future Act of Parliament should authorise the employment of such other power upon tramways and shall not use any system of electric or other traction whatsoever whereby or in connexion wherewith any conduit or any overhead wire or wires shall be necessary or used.
  17. The lessees shall not during the term hereby granted remove destroy or in any way interfere with the rails and plates of the demised tramways or any part or parts thereof or of the crossings passing places sidings and junctions connected therewith.
  18. The lessees shall be answerable for any trespass or damage (other than reasonable wear and tear occasioned by the user of the demised tramways as hereby demised) done by the carriages or horses or by any servants or



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persons employed by the lessees to or upon the demised tramways or any of them or the crossings passing places sidings and junctions thereof or to or upon any temporary tramway and shall save harmless the Corporation from all damages and costs in respect thereof.

19. The lessees shall at all times during the term hereby granted forthwith give the Corporation notice if the uppermost surface of any part of the rails of the demised tramways shall not be on a level with the surface of the road in which the same are laid or if the demised tramways or any part thereof or any of the plates and rails thereof or any matter or thing connected therewith respectively are in decay or disrepair or in a dangerous or defective state and the lessees shall be responsible (if they fail to give such notice as aforesaid) for all damages and accidents arising from any such decay disrepair dangerous or defective state of which notice shall not be given and shall indemnify the Corporation against the same and all claims and demands in respect thereof.
20. The lessees shall permit the Corporation between the hours of twelve p.m. and seven a.m. and in such manner as the Corporation may think fit to use the demised tramways or any part or parts thereof (but not so as to unduly impede or interfere with the regular traffic thereon) for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required for the works of the Corporation including their gas and electricity works free of all tolls and charges in respect of such use and the Corporation may use the demised tramways either by carriages moved by any power mentioned in the Order or any power now or hereafter authorised Provided nevertheless that the Corporation as regards such use shall be answerable to the lessees in damages for any damage or injury done to the demised tramways and for any undue interference with or undue interruption of the regular traffic of the lessees thereon.
21. The lessees shall at all times during the term hereby granted perform observe and comply with all or any provisions contained in the Order or in any Act of Parliament now in force or hereafter to be passed for the protection of the signals telegraph or telephone wires or circuits or works of or belonging to the Postmaster-General or the National Telephone Company Limited or any railway company or railway companies or any other company or persons so far as such provisions affect the system of motive power for the time being in use by the lessees And the lessees shall from time to time during the said term when and as occasion may require at their own expense construct execute provide and fit up all such works erections apparatus and things in connection with the demised tramways as under or by virtue of any such provisions so far as the same are applicable to the system of motive power for the time being in use by the lessees the Corporation or their lessees may be bound or required to construct execute provide or fit up for the purpose of protecting any such signals wires circuits or works or for the purpose of preventing interruption of or interference with the electrical currents used in or for such signals wires circuits or works or the convenient use thereof from or by means of the electric currents or force used in or upon the demised tramways or the carriages and shall at all times during the continuance of the said term maintain and keep the same in good substantial and effectual condition and keep the Corporation indemnified from and against all such



- provisions so far as the same are applicable to the system of motive power for the time being in use by the lessees and all damages penalties costs actions proceedings claims and demands under or by virtue of the same or any of them or in respect of any breach of or non-compliance with the same or any of them.
22. The lessees shall from time to time pay to the Corporation all such sum or sums of money as shall be expended during the said term by the Corporation in or about the maintenance repair or making good of such parts of the roadway as shall lie between the rails of the demised tramways and within a distance of eighteen inches of the outer edge of the rails of the demised tramways on each side of the demised tramways and also the whole of the roadway between any double line of tramway whatever be the distance such tramways shall be laid from each other and the lessees shall from time to time pay such sum or sums of money as shall be expended as aforesaid upon demand and the certificate in writing from time to time of the surveyor of the Corporation for the time being as to the sum or sums of money so expended and as to the proportionate amount of any sum or sums of money expended in general repairs of the roadways which the lessees ought to pay under this provision and as to the necessity for such repairs shall be final and conclusive and binding upon the lessees and the Corporation shall be entitled to repair remake or relay the roadways from time to time with such materials and in such manner as the Corporation shall think proper and all such works shall be deemed to be repairs of the roadway for the purposes of this clause.
23. The lessees shall not assign transfer underlet or otherwise part with the right of user and premises hereby demised or any part thereof nor suffer or permit any other person or persons company local authority or corporation whatsoever to run carriages or vehicles over the demised tramways or any parts or part thereof or to use the demised tramways or any parts or part thereof for the conveyance of passengers or other traffic without the consent in writing of the Corporation under their common seal but nothing herein contained shall prejudice or affect the rights of user herein-before excepted and reserved in favour of the Corporation or any their lessees.
24. The lessees shall save harmless and keep indemnified the Corporation and their officers and servants from and against all damages actions costs claims and demands for or in respect of every and all accidents damages and injuries happening through the act or default of the lessees or of any person in their employment in observing the several covenants and conditions herein contained and on the lessees part to be observed and performed
25. The lessees (subject and in addition to the provisions of this lease) will at all times during the said term comply with perform and observe all the enactments restrictions stipulations and provisions of the Order and the Tramways Act 1870 and of every other public or local Act or Acts of Parliament and all or any Order or byelaws or regulations of the Board of Trade for the time being in force affecting the demised tramways or the traffic thereon and which ought to be performed and kept by the lessees in respect of the same and in particular the lessees shall when and as occasion shall require perform observe and comply with the provisions of the section of the Order of which the marginal note is "Carriage of mails by promoters &c."

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And the Corporation hereby covenant with the lessees in manner following (that is to say):—

26. That the lessees paying the rent which under the provisions herein contained ought to be paid in the manner and at the times herein appointed and performing and observing the covenants and conditions herein contained and on the lessees part to be observed and performed shall peaceably and quietly hold and enjoy the right of user and premises hereby demised during the term hereby granted without any lawful interruption from or by the Corporation or any person rightfully claiming under or from them subject nevertheless as herein-after provided.
27. That the Corporation will during all the term hereby granted at their own cost in all things (subject and except nevertheless as herein provided) maintain and keep the rails and substructure of the demised tramways the user whereof is hereby granted in an efficient state of repair for the purposes of the traffic thereon and will from time to time during the said term indemnify and save harmless the lessees from and against all loss costs damage or injury claims and demand which the lessees may sustain incur be put to or have made upon them by reason of any want of repair to the rails and substructure of the demised tramways or any part thereof Provided always that before settling any claim made against them on account of any want of maintenance or repair as aforesaid the lessees shall give to the Corporation notice of such claim and the Corporation shall have the option of defending or settling such claim as they may deem fit.
28. That before any of the byelaws or regulations referred to in Article No. 14 of this lease shall be hereafter made by the Corporation they shall give seven days notice at least of such proposed byelaws or regulations and the contents thereof to the lessees but such notice shall not be necessary to give validity to such byelaws or regulations.
29. Provided always and it is hereby expressly agreed and declared that the demise hereby made and the rights hereby granted and the covenants herein-before contained are subject to the provisoes conditions and agreements herein-after contained And the lessees and the Corporation so far as such provisoes conditions stipulations and agreements respectively are or ought to be performed observed or complied with by them respectively do hereby covenant and agree with each other in manner following (that is to say):—
30. The Corporation or the town clerk of the Corporation for the time being and any person authorised for the purpose by the Corporation shall be at liberty at any time or times during working hours or after working hours should the premises be open for repairs or other purposes to enter upon all or any works lands car sheds stables and buildings of or occupied by the lessees and to inspect and examine the said carriages and the lessees shall at all times afford all reasonable facilities for such inspection and examination.
31. In case the said rent or rents which under the provisions herein contained is or are or ought to be paid or any part thereof respectively shall at any time or times during the said term hereby granted fail to be paid within seven days of the times and in the manner herein provided for that purpose then although no demand of such rent shall have been made and in



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addition to any powers of distress and re-entry which the Corporation may possess independently of any special clause to this effect it shall be lawful for the Corporation by their officers and servants and duly appointed agents into or upon any works lands car sheds stables offices buildings or premises either within or without the said borough of or used or occupied by the lessees for the purpose of working the demised tramways or any other tramway or tramways whether within or without the said borough to enter and to distrain for the said rent so in arrear all or any carriages goods horses and things of the lessees in or upon such works lands car sheds stables offices buildings and premises or upon or passing or repassing over the demised tramways or any other tramway or tramways whether within or without the said borough or any part or parts thereof and all the said distress or distresses to impound and detain sell and dispose of in such manner as landlords are by law authorised to do in respect of arrears of rent reserved upon a common demise to the intent that the Corporation may by such distress or distresses be from time to time satisfied all such rent as may be so unpaid as aforesaid and all costs and expenses occasioned by the non-payment or default in payment thereof.

32. In case the said rent or rents or any part thereof respectively shall be unpaid for the space of twenty-one days next after any of the days whereon the same shall be or become payable under or by virtue and in pursuance of these presents it shall be lawful for the Corporation (although no formal demand of such rent shall have been made) by their officers and servants to enter into and upon all or any carriages of or used by the lessees passing and repassing over the demised tramways or any other tramway or tramways whether within or without the said borough or any parts or part thereof and to receive and take the tolls charges and profits of the demised tramways or any other tramway or tramways whether within or without the said borough or receivable from or in respect of the passengers or traffic thereon until they shall thereby or otherwise be paid the said rent and all arrears thereof then due or thereafter to become due during the continuance of such receivership together with all costs which they may incur or sustain in or about such receipt or otherwise by reason of the non-payment of the said rent. And the lessees shall permit and afford all reasonable facilities for the receipt of such tolls charges and profits.
33. If the lessees shall by resolution or otherwise be ordered to be wound up or if the said rent or rents or any part thereof respectively shall be behind or unpaid for the space of twenty-one days next after any of the days whereon the same ought to be paid as aforesaid whether the same shall have been demanded or not or if the lessees shall at any time after the expiration of twenty-one days notice requiring them to run carriages for artizans mechanics and daily labourers in accordance with the provisions in that behalf contained in any Act or Order make default in complying with such notice unless such default shall be occasioned by strikes unavoidable accident or force majeure or if the lessees shall in any other respect make default in observing or performing the covenants and conditions hereinbefore or herein-after contained and on the lessees part to be observed and performed or any of them or if the working of the demised tramways or any part thereof shall at any time be discontinued for any periods

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of time amounting in the aggregate to four weeks in any one year except with the consent in writing of the Corporation under their common seal or signed by the town clerk unless such discontinuance be caused by any act or default of the Corporation or by strikes unavoidable accident or force majeure then and in such case and in addition to any other power possessed by the Corporation it shall be lawful for the Corporation at any time thereafter and although the Corporation may not have taken advantage of some previous breach or default (of a like nature or not) by giving notice in writing to the lessees to determine the present lease And at the expiration of twenty-one days from the giving of any such notice the present lease and the term and estate hereby created and every clause and thing herein contained shall unless in the meantime the lessees shall have paid any such rent or remedied any such default as aforesaid by complying with such notice as to carriages for artizans mechanics and daily labourers and otherwise complying with any such covenants and conditions as aforesaid cease and determine and become absolutely void and the Corporation may re-enter upon and take possession of the premises hereby demised but so nevertheless as not to affect any right claim demand or power which shall or may have accrued to the Corporation or the lessees or be vested in or enforceable by the Corporation or the lessees at the time under or in respect or by virtue of these presents and the covenants provisoes and agreements herein contained Provided always and it is hereby declared that the aforesaid periods of time amounting in the aggregate to four weeks in any one year may if the Corporation think fit be extended by them by writing under their common seal or signed by the town clerk in which case the said aggregate number of four weeks in any one year with the addition of the added periods of time shall be deemed to be substituted for the said aggregate number of four weeks in any one year before mentioned and this proviso shall apply accordingly.

34. For the purpose of the exercise of the rights of user hereby excepted and reserved in favour of the Corporation and any their lessees the Corporation may at any time and from time to time construct renew repair and maintain in the roadway or roadways within the borough whereon the demised tramways or any part thereof are or is laid all centre channels sump holes drains works plant apparatus appliances and things authorised by any Act or Order (herein-after referred to as works) requisite or proper for the working or carrying on the traffic of tramways by carriages moved by means of electrical power or force or any other power or force authorised by the Order or to be authorised by any future Order or Act of Parliament Provided always that in constructing renewing repairing and maintaining all works as aforesaid the Corporation shall from time to time make provision for avoiding undue interruption to the traffic of the lessees and shall from time to time at their own expense restore and make good the roadway to as good a condition as it was in at the time of the commencement of any works and shall save harmless and indemnified the lessees and all persons using the demised tramways from and against all accidents costs damages claims and demands which may happen to or be incurred by or made upon the lessees or such persons as aforesaid by reason of any of the works or the want of maintenance or repair from time to time of such works or any of them Provided always that before settling any claim that may be made against them in respect of such



works the lessees shall give to the Corporation notice of such claim and the Corporation shall have the option of defending or settling such claim as they may think fit. Provided further that the provisions contained in Article 21 of these presents shall not apply in connexion with any works referred to in this Article. A.D. 1893.

35. Nothing herein contained shall be held to prejudice take away or abridge any of the herein-before excepted and reserved rights of user or to prejudice take away or abridge any power to open or break up any road along or across which any tramway is laid or any other powers which are now or may hereafter be conferred upon or vested in or exercisable by the Corporation or any company or local authority by or under any Order or Act of Parliament or otherwise over or in relation to any roads or to the traffic thereon or to any sewers drains gas or water pipes telegraph electric or other wires or other works or things in under over or about the same or otherwise and all such powers are hereby reserved and declared to be unaffected by these presents but the Corporation shall in the exercise by the Corporation of any of such rights or powers be subject to the following restrictions and none other (that is to say) :—

(1.) They shall cause as little detriment or inconvenience to the lessees as circumstances admit :

(2.) Before they commence any work whereby the traffic on the demised tramways will be interrupted they shall except in cases of urgency (in which case no notice shall be required) give to the lessees notice of their intention to commence such work specifying the time at which they will begin to do so such notice to be given eighteen hours at least before the commencement of the work and in case the running of the tramcars shall be stopped by such work the lessees shall be at liberty to make the following deductions from the rent hereby reserved that is to say a deduction after the rate of three pounds per entire day during such stoppage if such stoppage shall take place in any of the months of May June July August September or October or a reduction after the rate of one pound ten shillings per entire day during such stoppage if such stoppage shall take place in any of the months of January February March April November or December Provided nevertheless that no such deduction shall be made if the stoppage aforesaid shall be occasioned by frost floods bad weather strikes of workmen or riot or such like casualties or by any act or default of the lessees or by the want of repair of any work or thing or of any part of the roadway whereof respectively the lessees are under any obligation to pay the expense of the same being kept in good repair and condition or by any works under the said section contained in the Order of which the marginal note is "For the protection of the Lancashire and Yorkshire and London and North Western Railway Companies" :

(3.) They shall not be liable to pay to the lessees any compensation or damages for or in respect of or arising out of injury done to the demised tramways by the execution of such work or for loss of traffic occasioned thereby except as aforesaid or for the reasonable exercise by the Corporation of any of the powers so vested in them as aforesaid or any injury done or occasioned or arising in anywise to the



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- lessees from or by reason or in consequence of any such reasonable exercise but the Corporation shall forthwith restore the demised tramways to their former condition as near as may be Provided always and it is hereby agreed and declared that the Corporation shall not be in any way liable for acts neglects or defaults made done or committed by any railway company water company or other company or local authority (other than the Corporation) in exercise of or under or in relation to any powers conferred upon or vested in or exercisable by any such company or authority as aforesaid and the Corporation shall not be bound to pay or allow to the lessees any compensation or deduction from rent for or in respect of any stoppage of or interference with the traffic upon the demised tramways or other damage caused by any such acts neglects or defaults.
36. If and whenever by reason of the execution of any work by the Corporation or by any such company or authority as aforesaid affecting the surface or soil of any road along which the demised tramways or part thereof are or is laid it shall in the opinion of the Corporation be necessary or expedient temporarily to remove or discontinue the use of such tramways or any part thereof the Corporation may construct in the same or any adjacent road and maintain so long as occasion may require and until such tramways or part are or is restored by the Corporation a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or discontinued without being liable to pay to the lessees any compensation for loss of traffic cost or expense occasioned thereby.
37. If at any time during the said term hereby granted the lessees shall desire to have made and constructed any additional sidings passing places junctions and other works which the Corporation may deem necessary or convenient for the efficient working of the demised tramways or for providing access to any works lands car sheds stables or buildings occupied by the lessees for the purpose of working the demised tramways the Corporation will construct such additional sidings passing places junctions or other works and the lessees shall in each or any case after the completion from time to time of any such works pay to the Corporation in addition to the rent hereby reserved such further rent but subject to reduction as aforesaid as in the case of rent herein-before reserved as shall amount to nine pounds per cent. per annum upon the cost incurred by the Corporation in constructing such works such rent to be payable on the days and in the manner herein-before provided with respect to the rent hereby reserved and in default of payment thereof the same shall be recoverable by the like means as the rent hereby reserved is recoverable and the same shall in all respects be considered as an addition to the rent hereby reserved.
38. The Corporation will not at any time during the existence of this lease exercise the power conferred upon them by section 33 of the Blackpool Corporation Tramways Order 1884.
39. Any notice to be given to the Corporation or the lessees under or in pursuance of or in relation to these presents or any of the provisions herein contained may in the case of the Corporation be served personally on their town clerk or addressed and forwarded to him by registered post letter and in the case of the lessees may be served personally on their



[56 & 57 VICT.] *Blackpool, St. Anne's, and Lytham* [Ch. ccxvi.]  
*Tramways Act, 1893.*

secretary or addressed and forwarded to the lessees at their office by registered post letter and any notice by the Corporation shall be sufficient if signed by their town clerk with the authority of the Corporation and any notice by the lessees shall be sufficient if signed by their secretary or any other person duly authorised by them. A.D. 1893.

40. If any dispute question difference or controversy shall arise between the Corporation and the lessees or their respective successors touching these presents or any clause or thing herein contained or the construction hereof or any matter in any way connected with these presents or the operation hereof or the rights duties or liabilities of any party in connexion with the premises then and in every or any such case (unless the settlement or decision thereof or thereupon is herein-before specially provided for) the matter in difference shall be referred to arbitration pursuant to and so as with regard to the mode and consequences of the reference and in all other respects to conform to the provisions in that behalf contained in the Arbitration Act 1889 or any then subsisting statutory modification thereof.

In witness whereof the Corporation and the lessees have hereunto caused their respective common seals to be affixed the day and year first before written.

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

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