



CHAP. clvii.

An Act for enabling the Liverpool Tramways Company to make new Tramways in Liverpool and its Neighbourhood in connexion with and in extension of their authorised Undertaking ; and for other Purposes. [24th July 1871.] A.D. 1871.

WHEREAS by the Liverpool Tramways Act, 1868, the Liverpool Tramways Company (herein-after called "the Company") were incorporated, and were empowered to lay down street tramways in certain streets in the borough of Liverpool, and by the Liverpool Tramways Act, 1870, they were empowered to make a short extension of their tramways in Toxteth Park, and the Company have proceeded to carry the said Acts into execution, and have constructed and opened for traffic the greater part of the said tramways :

And whereas it is expedient that the Company should be empowered to make and maintain the additional tramways in this Act described in connexion with and in extension of their authorised undertaking, and for that purpose should have authority to open and break up streets, and such further powers as in this Act mentioned :

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised, and containing a description of the mode in which the same are to be constructed, and the position thereof in the roads along which the same are to be laid, and books of reference to such plans, have been deposited with the respective clerks of the peace of the borough of Liverpool and the county of Lancaster, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively :

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

A.D. 1871. — May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title. 1. This Act may be cited for all purposes as "The Liverpool Tramways Act, 1871."

Provisions of general Acts herein named incorporated. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters ; (that is to say,)

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The provision to be made for affording access to the special Act ;

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, are, except where expressly varied by this Act, incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "the Company" shall mean the Liverpool Tramways Company :

The expression "the Act of 1868" shall mean the Liverpool Tramways Act, 1868 :

The expression "the Act of 1870" shall mean the Liverpool Tramways Act, 1870 :

The expressions "the tramways" and "the undertaking" shall mean the tramways and works and the undertaking respectively by this Act authorised :

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Liverpool :

And the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute. A.D. 1871.

4. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections, and in every respect in accordance with such plans, and in the mode and position therein described, the tramways following, with all proper iron rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are,— Power to make tramways according to deposited plans.

The Great Howard Street and Crosby route, six miles three furlongs and six and a half chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 2, 2A, 2B, 2C, 13, and 13A, commencing by junctions with the existing tramway of the Company in Dale Street near the ends of Moorfields and Exchange Street East respectively, and passing along Moorfields and Exchange Street East, Tithebarn Street, Old Hall Street, Great Howard Street, Victoria Road, Bootle Road, Derby Road, Derby Road North, Rimrose Road, Crosby Road South, Crosby Road North, Liverpool Road, and Cook's Road, and terminating in Cook's Road, Great Crosby, near the police station at the junction of that road and Little Crosby Road:

The Balliol Road branch, one furlong and four and a half chains or thereabouts in length, consisting of the tramway numbered on the deposited plans 13B, and being a short branch from the Great Howard Street and Crosby route along Balliol Road and Canal Street:

The London Road route, seven furlongs or thereabouts in length, consisting of the tramways numbered on the deposited plans 4 and 4A, commencing by junctions with the existing tramway of the Company in Saint John's Lane and in Lime Street respectively, and passing across Saint George's Place, along Lime Street, London Road, and Prescott Street, and terminating at or near the end of Low Hill:

The West Derby route, two miles seven furlongs and four and three quarters chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 4B, 4C, 4D, 4E, 4F, 11, 11A, 12, 12A, 12B, and 12C, commencing by junctions with the London Road route in Prescott Street at or near the end of Low Hill, and passing along Low Hill, West Derby

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Road, Rockey Lane, Mill-bank, and Mill Lane, and terminating in Mill Lane at or near the east end thereof:

The Saxon Street branch, one furlong and nine and three quarters chains or thereabouts in length, consisting of the tramway numbered on the deposited plans 12D, and being a short branch from the West Derby Road route along Saxon Street and Franklin Place:

The Old Swan route, two miles and seven and three quarters chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 5, 5A, 10, and 10A, commencing by junctions with the London Road route in Prescott Street at or near the end of Low Hill, and passing along the street called Kensington, the Liverpool, Prescott, Ashton, and Warrington turnpike road, commonly called Prescott Road, into and terminating in Broad Green Road at a point two chains from the corner of Saint Oswald Street:

The Wavertree route, two miles five furlongs and half a chain or thereabouts in length, consisting of the tramways numbered on the deposited plans 6, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 9, 9A, 9B, and 9C, commencing by junctions with the London Road route in London Road at or near the end of Saint Vincent Street, and passing along London Road, the south side of Monument Place, Pembroke Place, West Derby Street, Mount Vernon Road, Irvine Street, across Holland Place, along Wavertree Road, High Street, and Church Road, and terminating in Church Road, Wavertree, at a point four chains and a half distant from its junction with High Street:

The Whitechapel route, two furlongs and two and a quarter chains or thereabouts in length, consisting of the tramway numbered on the deposited plans 14, commencing by a junction with the existing tramway of the Company in Lord Street at or near the east end thereof, and passing along Whitechapel into and terminating in Old Haymarket at or near the south end thereof by a junction with the existing tramway of the Company:

The Dock lines, four furlongs and seven chains or thereabouts in length, consisting of the tramway numbered on the deposited plans 15, commencing by a junction with the existing tramway of the Company in Saint George's Crescent, and passing along Derby Square, on the north side of Saint George's Church, James Street, and the street called Goree, and terminating in George's Dock Gates, and the tramways numbered on the deposited plans 15A, 16, and 16A, commencing near the George's Landing Stage, and passing across the swing bridge at the north end of George's Dock, George's Dock Gates,

and Water Street, and terminating in Castle Street by junctions with the existing tramway of the Company near the Town Hall :

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The Custom House route, seven furlongs and nine and a quarter chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 17 and 17A, commencing by junctions with the existing tramway of the Company in Saint George's Crescent, and passing through Saint George's Crescent, along South Castle Street and Canning Place, round the north and east and south sides of the Post Office, along Park Lane, Saint James Street, and Great George Place, and terminating near the south end of that place by junctions with the existing tramways of the Company :

The Mill Street route, six furlongs and four chains or thereabouts in length, consisting of the tramways numbered in the deposited plans 18 and 18A, commencing by junctions with the existing tramways of the Company in Saint James Place, and passing along Saint James Place, Mill Street, and Wellington Place, and terminating in Wellington Place at a point about two chains south of its junction with Wellington Road :

The Warwick Street branch, one furlong or thereabouts in length, consisting of the tramway numbered on the deposited plans 19, and being a short branch from the Mill Street route along Warwick Street and Upper Warwick Street.

5. Whenever hereafter the Mersey Docks and Harbour Board shall be desirous of exercising the powers vested in them by the Mersey Docks Act, 1864, in reference to Victoria Road and Derby Road, or either of them, on which the lines numbered in the deposited plans 2B and 2c respectively are authorised to be made and maintained as above mentioned, the Company, on being required so to do by the Mersey Docks and Harbour Board, shall forthwith at their own expense take up and remove the tramways, if any, which shall have been laid by them thereon, and the Company shall not have any claim on the Board for compensation or otherwise in respect of the removal of such tramways.

Reserving powers of Mersey Docks and Harbour Board under 27 & 28 Vict. c. ccxiii.

6. The Company shall not make any part of either of the tramways numbered respectively on the deposited plans 15, 15A, 16, and 16A, in the streets called Goree and George's Dock Gates, or in any street or on any bridge or land lying to the westward thereof, without first obtaining the consent in writing of the Mersey Docks and Harbour Board, and every tramway for the making of which such consent shall be given shall be made in such position and in such manner in all respects as shall be approved by the Mersey Docks and Harbour Board.

Certain tramways not to be made without consent of Mersey Docks and Harbour Board.

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Power to Corporation to exercise the powers of the Act within the borough.

7. The powers herein-before contained for the construction and maintenance by the Company of such and such parts of the tramways above described as are situate within the borough of Liverpool (except the tramway described as the Whitechapel route) shall be suspended for six months from the passing of this Act; and if the council of the borough of Liverpool shall within such period of six months elect by resolution to assume such power, then all the powers herein contained for the construction and maintenance of such tramways and parts of tramways shall thereupon vest in and be deemed to be conferred upon the Corporation of Liverpool in lieu of the said Tramways Company, and the Corporation of Liverpool, by the said council, may exercise the same in the same manner as if in respect of such powers the Corporation had been expressly named in this Act instead of the Company: Provided always, that if at any time after such election the council of the borough shall resolve not to exercise such powers as aforesaid in respect of any of the said tramways, then the powers of this Act in respect of such last-mentioned tramways shall, with the consent of the Corporation, and subject to such conditions (not being inconsistent with the provisions of the Act of 1868 or of this Act) as they may think fit, be exerciseable by the Company as if no such election had been made.

Tramways to be subject to the provisions of 33 & 34 Vict. c. 78. (*Pub.*)

8. All tramways and parts of tramways which shall be constructed by the said Corporation in pursuance of the power contained in the last preceding clause of this Act shall be subject to all the incidents and conditions, and shall be treated in every respect as if the same had been constructed by the said Corporation by virtue of a provisional order under the Tramways Act, 1870, except that the said Corporation may use the same tramways for conveyance for sanitary purposes, and may reserve the right of doing so in any lease thereof, notwithstanding the sixtieth section of the Act of 1868, incorporated with this Act; and the said Corporation shall, for the purpose of such construction, have and be subject to all such powers and rights as are contained in or would be conferred by the Tramways Act, 1870, in case the Corporation had obtained a provisional order for the construction of such tramways.

Confirming agreement with Wavertree Local Board.

9. The agreement entered into between the Wavertree Local Board of Health and the Company, set forth in Schedule A. to this Act, is hereby confirmed, and the same and all the clauses and provisions thereof shall be deemed and taken to be incorporated with this Act and to form part thereof.

Tramways constructed by the Wavertree

10. All tramways and parts of tramways which shall be constructed by the said Local Board of Wavertree in pursuance of the power contained in the last preceding section of this Act and the

agreement thereby confirmed, shall be subject to all the incidents and conditions and shall be treated in every respect as if the same had been constructed by the said Local Board by virtue of a provisional order obtained by the said Local Board under the Tramways Act, 1870, and the Local Board shall for the purpose of such construction have and be subject to all such powers and rights as are contained in or would be conferred by the Tramways Act, 1870, in case the Local Board had obtained a provisional order for the construction of such tramways.

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Local Board
to be sub-
ject to
33 & 34 Vict.
c. 78. (*Pub.*)

11. The agreement entered into between the West Derby Local Board of Health and the Company, set forth in Schedule B. to this Act, is hereby confirmed, and the same and all the clauses and provisions thereof shall be deemed and taken to be incorporated with this Act and to form part thereof.

Confirming
agreement
with West
Derby Local
Board.

12. The Company may from time to time raise by the creation and issue of new shares such sums of money as they shall think necessary, not exceeding two hundred and eighty thousand pounds, in addition to the moneys which they are authorised to raise by the Act of 1868, and such new shares may be wholly or partly ordinary shares, or wholly or partly preference shares, as the Company may think fit: Provided always, that the Company shall not, within the period of six months after the passing of this Act, raise by the creation and issue of new shares any greater sum than two hundred thousand pounds, and if within such period the Corporation elect, under the provisions to that effect herein-before contained, to assume the powers of this Act for the construction of the tramways (except the tramway described as the Whitechapel route) within the borough of Liverpool, or if within such period the Wavertree Local Board of Health elect, under and by virtue of the agreement set forth in Schedule A. to and confirmed by this Act, to assume the powers of this Act for the construction of the tramways within the district of the said Local Board, the amount which the Company are hereby authorised to raise by the creation and issue of new shares shall be reduced by an amount equal to the cost of the tramways, the powers to construct which are so assumed either by the Corporation or the Wavertree Local Board of Health, as the case may be.

Company
may raise
additional
capital.

13. Sections eight to nineteen, both inclusive, of the Act of 1870 are incorporated with and form part of this Act, and shall extend and apply to the capital by this Act authorised to be raised by shares as fully and effectually to all intents and purposes as if the same had been re-enacted in this Act with reference thereto.

Certain sec-
tions of Act
of 1870
extended to
capital
authorised
by this Act.

14. The Company may from time to time borrow on mortgage, in addition to the sums which they are authorised to borrow by the

Power to
borrow on
mortgage.

A.D. 1871. Acts of 1868 and 1870, any sums not exceeding in the whole seventy thousand pounds in respect of the additional capital of two hundred and eighty thousand pounds which they are by this Act authorised to raise by shares, and of that sum they may borrow from time to time not exceeding ten thousand pounds in respect of every forty thousand pounds of the capital by this Act authorised to be raised by shares, but no part of any such sum of ten thousand pounds shall be borrowed until the whole of the sum of forty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, 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 the respective sum of forty thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such forty thousand pounds of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such forty thousand pounds of capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof: Provided always, that if the said sum of two hundred and eighty thousand pounds which the Company are by this Act authorised to raise by shares shall be reduced in accordance with the foregoing provisions of this Act, then the amount which by this Act the Company are authorised to borrow on mortgage shall be reduced in the same proportion; and if in consequence of such reduction there shall remain any fractional part of forty thousand pounds of such additional capital the Company may, subject to the provisions of this enactment, borrow in respect of such fractional part any sum not exceeding one fourth part thereof.

Arrears may be enforced by appointment of a receiver.

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

Existing mortgages to have priority.

16. All mortgages granted by the Company in pursuance of the powers of the Acts of 1868 and 1870 respectively, and which shall

be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act. A.D. 1871.

17. All moneys to be borrowed on mortgage under the Act of 1868, or the Act of 1870, or this Act, from the time when the said moneys shall be advanced, and the interest for the time being due thereon, shall have priority against the Company and the property of the Company over all other claims on account of any debts to be incurred or engagements to be entered into by them: Provided always, that such priority shall not prejudice or affect any claim, right, or remedy against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent, rentcharge, or sum reserved by or payable under any lease or grant granted or made or to be granted or made to the Company; nor shall anything herein-before contained prejudice or affect any claim or lien in respect of any land taken, used, or occupied by the Company for the purposes of the tramways, or injuriously affected by the construction thereof, or by the exercise of any of the powers by this Act conferred on the Company. Moneys borrowed on mortgage to have priority.

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

19. The Company may from time to time purchase or take on lease or otherwise acquire, but only by agreement, any lands not exceeding in the whole fifteen acres which they may require for any of the purposes of their undertaking, in addition to any lands which they have already power to acquire by agreement. Power to purchase, &c. lands by agreement.

20. The tramways numbered on the deposited plans 6, 6A, 6B, 6C, 6D, 6E, 6F, and 6G, shall be completed within two years, and the other tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed. Period for completion of works.

21. Every tramway to be made under this Act shall be constructed with two rails so laid down as to occupy a space of not exceeding five feet three inches in width, and shall be formed with iron rails laid and maintained in such manner that the upper surface of the rails shall be on a level with the surface of the street. Mode of formation of tramways.

22. Parts II. and III. of the Tramways Act, 1870, are incorporated with and form part of this Act: Provided always, that the provisions Parts II. and III. of 33 & 34 Vict. c. 78. incorporated.

A.D. 1871. — of those parts shall not apply to any tramway by this Act authorised which is situate within the borough of Liverpool.

Extending provisions of Act of 1868 as to mode of construction, &c.

23. Sections thirty-eight to fifty-seven, both inclusive, of the Act of 1868, and section thirty-one of the Act of 1870, are incorporated with and form part of this Act, and shall extend and apply to any tramway by this Act authorised which is situate within the borough of Liverpool as fully and effectually to all intents and purposes as if the same had been expressly re-enacted in this Act with reference thereto: Provided always, that the incorporation with this Act of sections forty-two and fifty of the Act of 1868 shall not empower the Company to make any tramway which they would not otherwise have had power to make under the authority of the Act of 1868 or this Act.

Tolls for passengers.

24. Notwithstanding anything in the Act of 1868 contained, the tolls and charges which the Company may demand and take for every passenger travelling upon any of their tramways (including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance,) shall be any tolls or charges not exceeding the sum of threepence for each single journey of such passenger, whether with or without change of carriage, when such journey shall not be for a greater distance than three miles, and an additional penny for every mile or fraction of a mile beyond three miles when such journey shall be for a greater distance than three miles.

Extending provisions of the Act of 1868 as to tolls, &c.

25. Sections fifty-nine to sixty-nine, both inclusive, of the Act of 1868 are incorporated with and form part of this Act, and shall extend and apply to the tramways by this Act authorised, and the passengers using the same, and the tolls to be taken for the use of the same, as fully and effectually to all intents and purposes as if those sections had been expressly re-enacted in this Act with reference thereto.

Cheap fares for labouring classes.

26. The Company shall, if and so long as they shall be required so to do by the Corporation, at any time after the opening of the tramways constructed by them under the authority of this Act for public traffic, run at least two carriages each way upon the whole or any part of the tramways every morning in the week and every evening in the week (Sundays excepted), at such hours (not being later than seven in the morning or earlier than six in the evening respectively), as the Company think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny): Provided that in case of any com-

plaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the Board of Trade shall have power to fix and regulate the same from time to time. A.D. 1871.

27. In case the Corporation shall at any time within eleven years after the passing of this Act desire to purchase the tramways by this Act authorised to be constructed within the borough of Liverpool, and the works and materials connected therewith, and any lands or buildings acquired for the purposes of such tramways exclusively, and shall apply to Parliament for powers so to do, and to enable the Company to sell the same, the Company shall not object to or oppose such application, and shall assent thereto, and do all things necessary and render all needful facilities for obtaining such powers, and in the event of such powers being obtained shall accordingly sell the said tramways and premises to the Corporation; and the terms of every such purchase shall, failing agreement between the Corporation and the Company, be determined by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, for the settlement by arbitration of questions of disputed compensation: Provided always, that in determining the amount to be paid by the Corporation for such purchase, the then actual bonâ fide value of the purchased property (exclusive of any compensation for goodwill, premium, compulsory sale, or other consideration whatsoever) shall be ascertained in the first instance, and to such value there shall be added as compensation for goodwill, premium, compulsory sale, and every other consideration, thirty per centum on the value so ascertained: Provided also, that if the Corporation so purchase the Company's said tramways, the Company shall be entitled to require the Corporation also to purchase all the carriages and rolling stock of the Company for the time being used by them on the tramways so purchased, the terms of such purchase, failing agreement between the Corporation and the Company, to be settled by arbitration under the said Lands Clauses Consolidation Act, 1845. Provision as to purchase by Corporation.

28. The Company, on the request of the Corporation, shall at all reasonable times, and from time to time, produce to such person as the Corporation shall require all the moneys, books, accounts, and vouchers with reference to the Company's tramways and undertaking, and permit such person to take copies of and extracts from the same books, accounts, and vouchers, as he may think fit. Accounts to be produced to Corporation.

29. If the Corporation within five years from the completion of any tramway by this Act authorised to be laid down within the borough of Liverpool, or of such part thereof as shall be completed within the time limited by this Act, shall at any time, or from time to time, by resolution determine that such tramway, or any part Power for Corporation to remove tramways within the borough of Liverpool.

A.D. 1871. — thereof, shall be discontinued and ought to be removed, the Corporation may give notice to the Company requiring them to remove such tramway, or part of a tramway, as is specified in the notice, and the Company shall, within three months after the notice so given, remove the same tramway, or part of a tramway, and make good the street to the satisfaction of the engineer of the Corporation; and if the Company do not within such three months remove such tramway, or part of a tramway, and make good such street as aforesaid, the Corporation may (without prejudice to any other remedy against the Company) remove the tramway, or part of a tramway, and make good such street as aforesaid, and may sell all or any part of the materials removed, and out of the proceeds of such sale reimburse themselves their expenses relative to such notice, removal, and sale, and making good the street and consequent thereon (rendering the overplus, if any, to the Company), and the unpaid residue of such expenses shall be paid to the Corporation by the Company, and shall be recoverable from the Company by proceedings in any court of competent jurisdiction: Provided always, that as regards any such tramway, or portion of a tramway, which prior to the giving of such notice shall have been opened for traffic, no notice of removal shall be given by the Corporation before the expiration of eighteen months after the opening thereof: Provided further, that if at any time hereafter the Company shall discontinue the reasonable working of any such tramway, or part of a tramway, for six calendar months, the Corporation shall be at liberty to remove such tramway, or part of a tramway, without notice to the Company, and the expense of removing such tramway, or part of a tramway, and reinstating the street or streets shall be made good by the Company to the Corporation in like manner as is herein-before provided with respect to the removal of a tramway, or part of a tramway, within five years from the completion thereof respectively, and that if any difference shall arise between the Corporation and the Company as to whether the Company have discontinued the reasonable working for the period aforesaid, the difference shall be settled by arbitration under the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Interest not
to be paid on
calls paid up.

30. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

31. 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.

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

32. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways which may hereafter pass during this or any future session of Parliament.

Tramways
not exempt
from pro-
visions of
general
Acts.

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

Expenses
of Act.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

MEMORANDUM of AGREEMENT between the Local Board of Waver-tree and the Liverpool Tramways Company.

1. If the Local Board, within six months after the passing of the above-mentioned Bill into an Act, shall by a resolution passed in the manner prescribed by the forty-third section of the Tramways Act, 1870, elect to assume the powers of the Company for the construction of such tramways as are situate within the district of the said Local Board, then all powers contained in the Act for the construction of such tramways shall thereupon vest in and be deemed to be conferred upon the said Local Board in lieu of the Tramways Company.

2. In the event of the said Local Board electing to assume such powers as aforesaid, and constructing the said tramways, or any part thereof, under the powers of the said proposed Act, the said Local Board shall grant to the said Company, and the said Company shall accept, a lease of such tramways, or part of tramways, for a term of fourteen years, at an annual rent equal to six per centum on the total money expended by the said Local Board in and about the construction of the said tramways, or in connexion therewith, including the expenses of surveys, plans, and estimates, and including also the legal expenses of the said Board in connexion therewith, and with the application of the said Company for a provisional order by the Board of Trade for construction of the said tramways, and the said Bill, and this agreement, and the said lease; and such lease shall contain all usual and reasonable covenants, together with power of re-entry for breach of any covenant reserved, and a power to distrain any property of the Company to obtain payment of any rent reserved to the Local Board which may be in arrear, including covenants on the part of the said Company for the maintenance of the said tramways, including so much of the roadway as is prescribed by section 28 of the Tramways Act, 1870, during the said term; the said lease also providing that the fares shall not exceed one penny a mile; provided that the Company shall not be bound to accept a lower fare than threepence for any one journey, but so that the fare from the Liverpool Exchange or any intermediate point to the north end of Church Road, Waver-tree, shall not exceed threepence; such lease (in case of difference between the parties) to be settled by Mr. J. H. Lloyd, or (him failing) by Mr. Pulley.

3. Subject to the provisions above expressed, all tramways which may be constructed by the said Local Board under the powers of the said proposed Act shall be subject to all the incidents and conditions, and shall be treated in every respect as if the same had been constructed by the said Local Board by virtue of a provisional order obtained by the said Local Board under the Tramways Act, 1870. A.D. 1871.

4. On the execution of this agreement by the said Tramways Company the said Local Board shall withdraw their opposition to the said Bill.

In witness whereof the said Local Board of Wavertree and the said Liverpool Tramways Company have hereunto set and affixed their common seals, this twenty-second day of April one thousand eight hundred and seventy-one.

Passed under the common seal of the
said Wavertree Local Board in the
presence of
JOSEPH EVANS,
Clerk to the Board.

(L. S.)

Passed under the common seal of the
said Liverpool Tramways Company
in the presence of
J. WESTON,
Secty to the Compy.

(L. S.)

SCHEDULE B.

THIS INDENTURE, made the twentieth day of April 1871, between the Local Board of West Derby in the county of Lancaster of the one part, and the Liverpool Tramways Company of the other part.

WHEREAS the said Company are the promoters of a certain Bill in the present session of Parliament, intituled "A Bill for enabling the Liverpool Tramways Company to make new tramways in Liverpool and its neighbourhood in connexion with and in extension of their authorised undertaking, and for other purposes:" And whereas by the said Bill it is proposed (inter alia) to authorise the said Company, subject to the provisions of the said Bill, to form, lay down, and maintain tramways within the district of the said Local Board, and to do certain other things in the said Bill mentioned: And whereas the said Local Board have presented a petition to the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, praying

A.D. 1871. — to be heard against the said Bill: And whereas the said Bill has been read a first time and has been committed: And whereas the said Company have applied to and requested the said Local Board not to oppose but to consent to the passing of the said Bill and to the same becoming law in the present session of Parliament, and the said Local Board have consented not to oppose the preamble of the said Bill, but merely to oppose the same so far as is necessary to obtain the insertion therein of clauses carrying into effect these presents, upon the said Company undertaking and agreeing as herein-after mentioned and set forth: Now this indenture witnesseth, that in consideration of the covenants by and on the part of the said Company herein-after contained, the said Local Board of West Derby do hereby undertake that, provided the said Company do cause to be inserted in the said Bill clauses to the reasonable satisfaction in all respects of the said Board, their counsel and solicitors, for the purpose of carrying into effect this indenture and all things incident thereto, and the spirit and true meaning thereof, the said Board will not oppose the passing of the said Bill, or the preamble thereof, further than is necessary for obtaining the insertion in such Bill and the passing into law of such clauses. And this indenture further witnesseth, that in consideration of the premises and of the undertaking herein contained on the part of and entered into by the said Local Board, they the said Company do, for themselves, their successors and assigns, covenant, promise, and agree to and with the said Local Board of West Derby as follows:

1. That the tramways proposed by the said Bill to be constructed, laid down, and maintained within the said district of the said Local Board of West Derby shall be constructed, laid down, and maintained in all respects in accordance with the provisions of "The Tramways Act, 1870," 33 & 34 Victoria, chap. 78, except as modified by, and subject in all respects to, the provisions of these presents.

2. That the said tramways so to be laid down within such district as aforesaid shall, with all articles and things appurtenant or incident thereto, be similar to the tramways already laid down by the said Company within the borough of Liverpool, and in public use by them there, and to the wooden section or model of the rail furnished by the said Company to the said Board and marked with the respective seals of the said Board and Company, and the construction thereof shall also be similar.

3. That the said Board shall have the option of and be entitled to purchase from the said Company so much of the tramways, with the rails, plates, and other articles and things appurtenant or belonging thereto, as shall be situate within their said district, at any time after the expiration of ten years from the said Bill becoming law, in accordance with section 43 of the said Act 33 & 34 Victoria, chap. 78.

4. That the fares or tolls which the said Company, or their lessees or lessee, shall be entitled to take for passengers in carriages using and running over the tramways so to be constructed by them under the said Bill as aforesaid shall not exceed threepence per passenger carried from the Liverpool Exchange to the Old Swan, or any less distance; threepence per passenger carried from the Old Swan to the Liverpool Exchange, or any less distance; threepence per passenger carried from the end of Green Lane on the West Derby Road to the Liverpool

Exchange, or to West Derby Village, or any less distance, or from the Liverpool Exchange, or West Derby Village to the end of Green Lane aforesaid, or any less distance; fourpence per passenger carried from the Liverpool Exchange to West Derby Village; fourpence per passenger carried from West Derby Village to the Liverpool Exchange. A.D. 1871.

5. That the said Company, their lessees or lessee, shall run special carriages for the working classes, and shall charge as and for fares or tolls for passengers carried therein or thereon at a rate not exceeding one half part of the fares or tolls mentioned in the last preceding paragraph of these presents, and they shall cause one of such carriages at such fares to leave the Old Swan for the Liverpool Exchange, and another West Derby Village for the Liverpool Exchange, at such time in the forenoon and returning at such time in the afternoon as shall be from time to time fixed by the Company: Provided that if the times so fixed shall not be approved of by the said Local Board, the same may be altered and fixed by the Board of Trade: And provided also that the Company shall not be subject to any restriction as to the number of passengers to be carried in or upon such special carriages.

6. That the said Company shall not lay down, or cause or allow to be laid down, in any part of the said district of the said Local Board, without the consent of the said Board, a double line of rails in any portion of any road (except for passing places) when the space between the outside rail and the kerb of the footwalk abutting upon the roadway would be less than nine feet six inches.

7. That the said Bill shall not pass into law so far as relates to the lines within the said district of the said Local Board unless the same shall contain clauses and provisions to the satisfaction of the said Local Board, their counsel and solicitors, for carrying into effect these presents, and all things herein contained, and that the said Company shall and will, if required by the said Local Board, withdraw the said lines from the said Bill should not such clauses and provisions or any of them be allowed by both Houses of Parliament and the committees thereof.

8. That the said Company shall fully complete the said tramways in the said district of the said Local Board, and also those in the borough of Liverpool connected therewith, so as to make a complete and unbroken line from West Derby Village aforesaid to and from the Liverpool Exchange, and another from the Old Swan aforesaid to and from the said Liverpool Exchange, and open the same for public traffic within three years from the passing of the said Bill.

9. Provided always, that if the Corporation of Liverpool shall exercise the option intended to be given or reserved to them by the said Bill of constructing the tramways within the borough of Liverpool, the foregoing agreement shall become null and void, except so far as relates to the obligation of the Company to construct the lines within the district of West Derby within the period above limited.

In witness whereof the said Local Board have hereunto affixed their seal, and Henry Warren Meade King, George Spurstow Miller, William McCaig, John Wright, and William Wood, being five members of such Board, have hereunto

[Ch. clvii.] *The Liverpool Tramways Act, 1871.* [34 & 35 Vict.]

A.D. 1871.
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set their hands, and the said Company have caused their common seal to be hereunto affixed, the day and year first before written.

(L. S.)

Sealed with the seal of the said Local Board of West Derby, and signed by Henry Warren Meade King, George Spurstow Miller, William McCaig, John Wright, and William Wood, being five members of the said Local Board, in the presence of

H. W. MEADE KING.
GEORGE S. MILLER.
WM. MCCAIG.
JOHN WRIGHT.
WILLIAM WOOD.

GEORGE LAYTON,

Solicitor, Liverpool,

and Clerk to the said Board.

Sealed with the common seal of the Liverpool Tramways Company in the presence of

J. WESTON,
Secty.

(L. S.)

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