



CHAPTER cxii.

An Act for dissolving the Manchester Carriage Company, Limited, and re-incorporating the Members thereof as a new Company, and for transferring to such new Company the powers conferred by the Manchester Suburban Tramways Acts, 1878 and 1879, and the Manchester Suburban Tramways Orders, 1877 and 1878; and for conferring further powers for the construction of new and the completion of authorised Tramways; and for other purposes. A.D. 1880.
[2nd August 1880.]

WHEREAS the Manchester Carriage Company, Limited (in this Act called the Carriage Company), were by virtue of the Companies Act, 1862, duly registered on the first day of March 1865, and in pursuance of their memorandum and articles of association, the said Company have carried on for some years past in and through the city of Manchester and the borough of Salford and the neighbourhoods thereof respectively the business of omnibus, stage, and hackney carriage proprietors, and other businesses of a like character connected therewith: 25 & 26 Vict.
c. 89.

And whereas the objects for which the Carriage Company were established included amongst others the promoting, making, providing, acquiring, leasing, working, using, and disposing of tramways, and the contributing to the expense of promoting, making, providing, acquiring, working, and using any tramways:

And whereas by the Manchester Suburban Tramways Act, 1878 (in this Act referred to as the Act of 1878), the Manchester Suburban Tramways Company (in this Act called the Tramways Company) were incorporated and were authorised to construct tramways in the suburbs and neighbourhood of Manchester and Salford in connexion with and in extension of certain tramways constructed or then intended to be constructed by the mayor, aldermen, and citizens of 41 & 42 Vict.
c. cxli.

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A.D. 1880. — the city of Manchester, and the mayor, aldermen, and burgesses of the borough of Salford (in this Act called the Manchester Corporation and the Salford Corporation respectively) :

42 & 43 Vict.
c. cxc. And whereas by the Manchester Suburban Tramways Act, 1879 (in this Act referred to as the Act of 1879), the Tramways Company were authorised to construct additional tramways in the suburbs and neighbourhood aforesaid :

40 & 41 Vict.
c. cxxiv.
41 & 42 Vict.
c. clxiii. And whereas by the Manchester Suburban Tramways Order, 1877, and the Manchester Suburban Tramways Order, 1878 (in this Act respectively referred to as the Order of 1877 and the Order of 1878), the persons named in those orders respectively (in this Act called the Promoters of the Order of 1877 and the Promoters of the Order of 1878 respectively) were authorised to construct other tramways in the suburbs and neighbourhood aforesaid in connexion with and in extension of the said tramways of the Manchester Corporation :

And whereas in pursuance of the objects of their incorporation relating to tramways the Carriage Company have (subject to the consent of the Manchester Corporation) agreed to become lessees of the tramways of that corporation, and have also (subject to the consent of the Salford Corporation) agreed to become lessees of the tramways of that corporation, and have contributed towards the expense of constructing the tramways authorised by the Orders of 1877 and 1878, and by the Acts of 1878 and 1879 :

And whereas the Order of 1878 was obtained in the interest and on behalf of the Carriage Company, and the Promoters of the Order of 1877 are willing that all the powers conferred by that order should be transferred to and vested in that Company as re-incorporated under the provisions of this Act :

And whereas it would be to the public advantage if all the tramways authorised by the Acts of 1878 and 1879, and by the Orders of 1877 and 1878, were placed under one management and worked as part of one system in connexion with the tramways of the Manchester Corporation and the Salford Corporation, and it is expedient for that purpose that the Carriage Company should be dissolved and re-incorporated, and that all the powers conferred by the said Acts and Orders respectively in relation to the construction of tramways and otherwise (except as herein-after excepted) should be transferred to and vested in the Company incorporated by this Act, and that the Tramways Company should be dissolved :

And whereas the Tramways Company are willing that such transfer and vesting should be effected upon the terms herein-after contained :

And whereas by the Act of 1878 the Tramways Company were authorised to raise £72,000 by shares, and £18,000 by borrowing,

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and by the Act of 1879 they were authorised to raise a further sum of £72,000 by shares and £18,000 by borrowing: A.D. 1880.

And whereas the capital of the Carriage Company now stands as follows:—

	£
7,500 A shares of £20 each, of which £15 per share has been paid up	150,000
16,684 B shares of £10 each, fully paid up, representing	166,840
16,517 C shares of £10 each, of which £2 per share has been paid up	165,170
600 Preference shares of £7 each fully paid up, representing	4,200
	<u>£486,210</u>

And such Company have borrowed on bond and now owe the sum of £73,029:

And whereas the said C shares were created by the Carriage Company for the purpose of providing further capital, part of which has been and other part is intended to be applied in or towards the construction of the works authorised by the Order of 1877 and the Order of 1878, and the providing and renewing the necessary equipment of horses, carriages, and rolling stock for the working of the aforesaid tramways, and all the shares created under the authority of the Acts of 1878 and 1879 respectively which have been allotted, are held by or on behalf of the Carriage Company:

And whereas it is expedient that the Company incorporated by this Act should be authorised to construct the tramways hereinafter described:

And whereas it is expedient that the periods limited for the construction of the tramways authorised by the Act of 1878 and the Order of 1878 respectively should be extended:

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised, and books of reference to such plans have been deposited with the clerk of the peace for 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:

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

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

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Short title.

1. This Act may be cited for all purposes as the Manchester Carriage and Tramways Company Act, 1880."

Incorporation of general Acts.

8 & 9 Vict. c. 16.

26 & 27 Vict. c. 118.

26 & 27 Vict. c. 92.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

32 & 33 Vict. c. 18.

33 & 34 Vict. c. 78.

Interpretation of terms.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,) the Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, Part V. (relating to amalgamation) of the Railways Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions thereof 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, and section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act, 1870.

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

The expression "the Company" shall mean the Manchester Carriage and Tramways Company by this Act incorporated:

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

PART I.

Dissolution and Re-incorporation of Company and Transfer of Powers.

Interpretation.

4. In this part of this Act the expressions "the tramway" and "the undertaking" shall mean the tramways and the undertaking of the Company respectively.

Incorporation of Company.

5. From and after the passing of this Act the Carriage Company shall be dissolved and shall cease to exist, and the present members of or shareholders in that Company, and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be, and they are hereby united and incorporated into a Company, by and under the name of "The

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Manchester Carriage and Tramways Company," and by that name shall be a body corporate with perpetual succession, and a common seal, with power to purchase, hold, and dispose of lands for the purposes of this Act and of the undertaking, subject to the provisions and restrictions in this Act contained. A.D. 1880.

6. The undertaking of the Company and the purposes for which they are incorporated are as follows: the acquiring, maintaining, and working the existing undertaking of the Carriage Company within the city of Manchester and the borough of Salford and the neighbourhoods thereof respectively, and the undertakings authorised by the Acts of 1878 and 1879, and by the Orders of 1877 and 1878, and the exercising the powers and carrying on the business of the Tramways Company, and the carrying on within the city and borough aforesaid and the neighbourhoods thereof respectively, the business of Tramway and Omnibus and Coach and Hackney Carriage Proprietors. Purposes
for which
Company
incorporated.

7. Subject to the provisions of this Act, the undertaking, tramways, lands, works, erections, buildings, rights, powers, privileges, and casements which immediately before the passing of this Act were vested in the Carriage Company, or any persons in trust for them or on their behalf, or to which that Company were in anywise entitled either at law or in equity, and all plant, stock, effects, matters, and things which have been laid down, purchased, or provided, constructed or built, and which immediately before the passing of this Act were the property of or belonged to the Carriage Company, and all moneys, securities, credits, and effects, and other property whatsoever belonging to that Company, or to any trustees on their behalf for the purposes of that Company, and the benefit and liability of all contracts and engagements entered into with and on behalf of the Carriage Company, and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Carriage Company, or in any trustees on their behalf, and may, subject to the provisions of this Act, be held and enjoyed, sued for, and recovered, maintained, enforced, or removed by the Company as they think fit. Present
property of
Carriage
Company
vested in
Company.

8. Subject to the provisions of this Act, the memorandum and articles of association of the Carriage Company shall, as to any future or prospective operation thereof, from and after the passing of this Act be wholly void and of none effect, and the several persons who have executed, or are otherwise bound by the same, Articles of
association
of Carriage
Company to
be void.

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General
saving of
rights, &c.

9. Notwithstanding the dissolution of the Carriage Company, and the incorporation of the Company incorporated by this Act, and the avoidance of the said memorandum and articles of association, and except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Carriage Company, or the members thereof in that capacity, shall be as valid as if that Company had not been dissolved, or the Company incorporated, and the said memorandum and articles of association had not been avoided by this Act, and such dissolution, incorporation, and avoidance by this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Carriage Company had not been dissolved, and the Company had not been incorporated, and the said memorandum and articles of association had not been avoided by this Act, and this Act had not been passed, would be incident to and consequent on any and everything so done and suffered, and with respect to all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the Carriage Company: Provided always, that the generality of the expressions in this section shall not be restricted by any of the other clauses and provisions of this Act.

Deeds, &c.
to remain
in force.

10. All deeds, instruments, purchases, sales, securities, contracts, agreements, and other acts and things before the passing of this Act done, made, entered into, executed, or instituted by, to, with, or with reference to the Carriage Company, or any trustees or persons acting on behalf of the Carriage Company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as valid and effectual for, against, and with reference to the Company, and may be enforced as fully and effectually as if instead of the Carriage Company, or the trustees or persons acting on behalf of the Carriage Company, the Company had been a party thereto.

Actions,
&c. not to
abate.

11. No action, suit, bill, process, writ, indictment, information, or other proceeding, whether civil or criminal, which at or immediately before the passing of this Act has been commenced and is

now pending either at the suit or instance of the Carriage Company against any corporation, company, or person, or at the suit or instance of any corporation, company, or person against the Carriage Company, shall abate, determine, or be otherwise impeached or affected for or by reason of the dissolution, incorporation, or avoidance aforesaid, but, on the contrary, may be maintained, continued, or prosecuted by or against the Company, as the case may be, in the same manner and as effectually as the same might have been maintained, continued, or prosecuted if this Act had not passed, the Company being in reference to the matters aforesaid in all respects substituted for the Carriage Company.

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12. Every trustee or other person in whom or in whose name any property of the Carriage Company was vested or standing immediately before the passing of this Act, and who before the passing of this Act has lawfully entered into any bond, covenant, contract, or other engagement in relation thereto or otherwise on behalf of the Carriage Company, and every person who being duly authorised in that behalf has before the passing of this Act entered into any other contract on behalf of the Carriage Company, shall, notwithstanding the dissolution, incorporation, and avoidance aforesaid, be indemnified out of the property of the Company from all liability and against all expenses by reason or in consequence of his having entered into the same.

Trustees
indemnified.

13. Notwithstanding the dissolution of the Carriage Company and the avoidance by this Act of the said memorandum and articles of association, all entries in the books of the Carriage Company for evidencing the ownership of any share of the capital of that Company, and showing who immediately before the passing of this Act were the members of the Carriage Company, shall, as far as such entries are legal evidence, be effectual for evidencing for the purposes of this Act who immediately before the passing of this Act were the members of the Carriage Company.

Entry in
books of
evidence
of title to
shares.

14. All persons who immediately before the passing of this Act owed any money to the Carriage Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing upon the same to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the Carriage Company, or for the payment of which that Company were or but for this Act would be liable, shall be paid with all interest (if any) due or payable or accruing upon the same by or be recoverable from the Company.

Payment
of debts
owing before
the passing
of this Act.

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Certificates
to remain
in force.

15. All certificates of shares in the undertaking of the Carriage Company (unless and until cancelled under the powers of this Act), and all sales, transfers, and dispositions heretofore made or executed of or relating to such shares, shall remain in full force and continue and be available in all respects as if this Act had not been passed.

Officers, &c.
continued.

16. All officers of and persons employed by the Carriage Company in office at the passing of this Act shall, notwithstanding the dissolution and avoidance aforesaid, continue to hold their respective offices and employments, and be deemed to be officers of or persons employed by the Company as if they respectively had been appointed under this Act.

Capital.

17. The capital of the Company is £500,000, being the aggregate of the sums following; that is to say, the existing capital of the Carriage Company amounting to £486,210 divided into—

	£
7,500 A shares of £20 each, representing -	150,000
16,684 B shares of £10 each, representing -	166,840
16,517 C shares of £10 each, representing -	165,170
600 preference shares of £7 each, representing -	4,200
	<hr/> £486,210

(Which shares are herein-after collectively referred to as existing shares), and 1,379 additional C shares of £10 each, which the Company are by this Act authorised to create and issue, representing -

13,790
<hr/> £500,000

Shares in
Carriage
Company
to remain
vested in
present
holders.

18. Notwithstanding the dissolution and avoidance aforesaid the existing shares shall remain vested in the several corporations, companies, and persons in whom they were respectively vested immediately before the passing of this Act, and shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, liabilities to calls and incumbrances as immediately before the passing of this Act affected the same respectively, and so as to give effect to and not revoke any testamentary disposition of or affecting the same respectively, and all moneys uncalled or unpaid in respect of any of the existing shares shall and may be called up and recovered from the several persons liable to pay the same in the same manner and as effectually as the same might have been called up and recovered if this Act had not passed.

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19. The Company may call in and cancel the certificates of shares in the capital of the Carriage Company, and issue in lieu thereof certificates of shares in the capital of the Company in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845; but the holders of any existing certificates shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the existing certificates of shares, or shall have given to the directors of the Company satisfactory proof of the loss or destruction thereof.

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Existing share certificates may be cancelled and new certificates issued.

20. The Company may, subject the provisions of Part II. of the Companies Clauses Act, 1863, in addition to the existing capital of four hundred and eighty-six thousand two hundred and ten pounds, raise by the creation and issue of new shares of ten pounds each additional capital not exceeding in the whole thirteen thousand seven hundred and ninety pounds, but no such share shall vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Power to raise additional capital.

21. One fifth of the amount of a share in the additional capital shall be the greatest amount of a call, and three months at least shall be the interval between successive calls.

Calls.

22. If any money be payable to or any consent be required from a shareholder being a minor, idiot, lunatic, or person of unsound mind, the receipt or consent of his guardian or the committee of his estate shall as to such receipt be a sufficient discharge to the Company, and as to such consent be valid and effectual for the purpose for which it is given.

Receipts on behalf of incapacitated persons.

23. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred and twenty-five thousand pounds, inclusive of the sums immediately before the passing of this Act owing on mortgage or bond by the Carriage Company.

Power to borrow on mortgage.

24. The Company shall not create and issue debenture stock.

Debenture stock.

25. 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, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Appointment of a receiver.

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Mortgage
to comprise
purchase
money paid
on com-
pulsory sale.

26. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section forty-three of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Endorsement
of mortgage,
&c.

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

Application
of moneys.

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

First ordi-
nary meet-
ing.

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

Quorum of
general
meetings.

30. The quorum of every general meeting (whether ordinary or extraordinary) shall be ten shareholders present personally or by proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of
directors.

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

Qualifica-
tion of
directors.

32. The qualification of a director shall be the possession in his own right of not less than one thousand pounds in the nominal capital of the Company.

Quorum.

33. The quorum of a meeting of directors shall be three.

First direc-
tors.

34. John Greenwood, Charles Sydney Grundy, Robert Neill, Benjamin Whitworth, James Holden, John Haworth, and Daniel Busby, being the present directors of the Carriage Company, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the

Election of
directors.

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

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35. On the passing of this Act the Tramways Company shall be and are hereby dissolved, and all the rights, powers, privileges, and authorities which by the Acts of 1878 and 1879 are conferred upon the Tramways Company are by this Act transferred to and vested in the Company who may exercise all those rights, powers, privileges, and authorities (except only the powers of raising money, which powers and the provisions of the said Acts relating thereto are by this Act repealed) as fully and effectually in all respects as the Tramways Company might have exercised the same if this Act had not been passed.

Dissolution of Tramways Company and transfer of powers to Carriage Company.

The dissolution, transfer, and vesting aforesaid shall be deemed an amalgamation within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act, 1863, and as if the Company and the Tramways Company had been railway companies.

36. All the shares in the Tramways Company which immediately before the passing of this Act were held by the Carriage Company or their trustees shall be and the same are hereby extinguished, and the Company shall pay to each shareholder in the Tramways Company, other than the Carriage Company or their trustees, the amount actually paid upon the shares in the capital of that Company held by him: Provided always, that the respective holders of any shares in the Tramways Company shall not be entitled to any payment in respect thereof until they respectively shall have delivered up to the Company to be cancelled all their certificates of shares in the Tramways Company, or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof.

Payment by Company in respect of shares in Tramways Company.

37. On the passing of this Act all the rights, powers, privileges, and authorities which by the Orders of 1877 and 1878 are conferred upon the Promoters thereof are by this Act transferred to and vested in the Company, who may exercise all those rights, powers, privileges, and authorities as fully and effectually in all respects as the said Promoters might have exercised the same if this Act had not been passed.

Transfer to Company of powers conferred by Orders of 1877 and 1878.

A.D. 1880. The transfer and vesting aforesaid shall be deemed an amalgamation within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act, 1863, and as if the Company and the said Promoters had been railway companies, and the Promoters had been dissolved, and the Order of 1878 had been a special Act.

PART II.

New Tramways.

Interpretation.

38. In this part of this Act the expression "the tramways" shall mean the tramways and works by this Act authorised.

Power to make tramways.

39. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in every respect in accordance with such plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

The Ashton lines, 6 furlongs 9 chains 13 yards in length, the whole of which is single line, to be situate in the township of Ashton-under-Lyne, in the parish of Ashton-under-Lyne, in the county of Lancaster, and consisting of the tramways number on the deposited plans as follows; that is to say,

Tramway No. 1, commencing in Henry Square, Ashton, by a junction with one of the tramways authorised by the Act of 1879, at a point fifty-nine yards or thereabouts in a south-westerly direction from the southerly corner of Old Street, and passing thence along Old Street, Warrington Street, Bow Street, George Street, and Old Square, terminating in Stamford Street by a junction with one of the tramways authorised by the Act of 1879, and at a point twenty yards or thereabouts in a westerly direction from the centre of Old Square:

Tramway No. 1A, a short loop or junction in Old Square commencing by a junction with Tramway No. 1 at a point sixteen yards in a north-westerly direction from the centre of Old Square, and terminating by a junction with one of the tramways authorised by the Act of 1879 at a point thirteen yards in a north-easterly direction from the centre of Old Square:

Tramway No. 2, commencing by a junction with Tramway No. 1 at a point thirteen yards or thereabouts in a northerly direction from the north-easterly corner of the Lamb Inn, at the corner of Old Street and George Street, and passing thence

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along Market Street, Cow Hill Lane, and Junction Street, A.D. 1880.
terminating at the entrance to the stables of the Company at
a point fourteen yards or thereabouts in a northerly direction
from the north-westerly corner of the boundary wall of
St. James's Church.

The Bradford line, one chain and nineteen yards in length, the
whole of which is single line, to be situate in the township of
Bradford, in the parish of Manchester, in the county of Lancaster,
and being the tramway numbered on the deposited plans as follows;
that is to say,

Tramway No. 3, commencing in Ashton New Road, Bradford,
by a junction with one of the tramways authorised by the
Act of 1878, at a point ten yards or thereabouts in an easterly
direction from the easterly corner of Hawke Street, and passing
thence in a south-easterly direction into and along Butterworth
Street, and terminating in that street at the entrance to the
stables of the Company at a point forty yards or thereabouts
from the before-mentioned easterly corner of Hawke Street.

The Cheetham Hill line, three chains seventeen yards in length,
the whole of which is single line, to be situate in the township of
Crumpsall, in the parish of Manchester, in the county of Lancaster,
and consisting of the tramway numbered on the deposited plans as
follows; that is to say,

Tramway No. 4, commencing in the Bury Old Road, Cheetham,
by a junction with one of the tramways authorised by the Act
of 1878, at a point fourteen yards or thereabouts in a westerly
direction from the north-westerly corner of that part of
Thomas Street which lies on the north-easterly side of Bury
Old Road, and passing thence in a north-easterly direction
into and along Thomas Street, and terminating in that street
at the boundary of the stables of the Company at a point
sixty-four yards or thereabouts in a north-easterly direction
from the before-mentioned north-westerly corner of Thomas
Street.

The Oldham lines, seven chains in length, the whole of which
is single line, to be situate in the townships of Oldham and
Chadderton, in the parish of Prestwich-cum-Oldham, in the county
of Lancaster, and consisting of the tramways numbered on the
deposited plans as follows; that is to say,

Tramway No. 5, commencing in the Manchester, Oldham, and
Austerlands Turnpike Road, in Oldham, by a junction with
one of the tramways authorised by the Act of 1878, or the 41 & 42 Vict.
Oldham Borough Tramways Order, 1878, at a point fifteen c. clxiii.

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yards or thereabouts in a southerly direction from the westerly corner of Hudson Street, and passing thence into and along Hudson Street, and terminating in that street at a point thirty-four yards or thereabouts in a north-westerly direction from the north-westerly corner of the stables of the Company.

Tramway No. 5A, a short loop or junction commencing in Hudson Street by a junction with Tramway No. 5 at a point twenty yards or thereabouts from its termination, and passing thence to the north-westerly entrance to the stables of the Company.

Tolls.

40. The tramways by this Act authorised shall, for the purposes of tolls and charges and for all other purposes, be deemed to be part of the tramways authorised by the Act of 1878, and the several provisions as to tolls of that Act as amended by the Act of 1879, including the provisions as to cheap fares for labouring classes and the periodical revision of tolls, are incorporated with and form part of this Act.

Fares to be paid as directed by the Company.

41. The authorised fares and charges to be demanded and received by the Company shall be paid to such person or persons on their behalf, and at such place or places upon or near to any tramways for the time being belonging to or worked by them, and in such manner and under such regulations as the Company shall, by notice to be annexed to the list of tolls and charges, appoint.

Mode of formation of tramways.

42. Every tramway constructed under the authority of this Act shall consist of a single pair of iron or steel rails laid and maintained in such manner as that the uppermost surface of the rail shall be on a level with the surface of the street or road on each side of such rail, and shall be constructed on the gauge of four feet eight and a half inches. The rails of the tramways shall be such as the Board of Trade may approve.

Traffic in roads not to be impeded.

43. During the construction of any works by this Act authorised in any road in any district, the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Provision as to paving roads.

44. So much of the road whereon the tramways are laid as lies between the rails of the tramway, and in the case of passing places so much of the road as comprises the space between the tramways, together with in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway, shall be paved by the Company, at their own expense, with granite cubes or sets to the satisfaction of the road authority, or with such other paving as the road authority may approve.

45. The Board of Trade may from time to time, upon the application of the local authority or road authority of any district, require the Company to adopt and apply such improvements in the tramway within such district, 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 such improvements.

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Company to adopt improvements if required by the Board of Trade.

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

Inspection by Board of Trade.

47. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway is laid under the authority of this Act, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept level with surface of road.

48. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Further provisions as to construction of tramways.

49. 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 which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with

Penalty for not maintaining rails and roads.

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Power to Board of Trade to inquire as to maintenance of rails and roads.

50. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, 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 the preceding section imposed.

Sewer authorities to have access to sewers.

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

Power to make additional crossings, &c.

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

place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto; and provided also that any such altered, substituted, and additional crossings, passing-places, sidings, junctions, and other works shall in all respects be thereafter subject to the provisions of this Act as fully and effectually as if the same had been originally described or marked on the said deposited plans. A.D. 1880.

53. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may, if suitable for the purpose, and with the approval of the surveyor for the time being of the road authority, 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 28 of the Tramways Act, 1870, required to maintain, and the Company shall remove such paving, metalling, and material from the roadway, and shall store the same in some convenient place to be reasonably approved of by the road authority, and shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Promoters and any road authority. Application of road materials excavated in construction of works.

54. For the protection of the trustees for the time being of the Wesleyan Chapel and Cemetery, Cheetham Hill, Manchester, and which is situate in Thomas Street aforesaid, the following provisions shall have effect; that is to say, Protection of trustees of Cheetham Hill Wesleyan Chapel and Cemetery.

1. The Company shall construct and maintain the Tramway No. 4 in Thomas Street, as shown on the deposited plans, as a single line only, and shall not carry it further in an easterly

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direction than the line shown on the said plans, and shall use such tramway only for the passage of their cars and carriages to and from the Bury Old Road from and to the stables of the Company in Thomas Street :

2. The Company shall not permit the changing of horses at any time to take place in Thomas Street, and shall not allow their servants and stablemen to perform any part of their work to or wait upon their horses in that street :
3. No cars or carriages of the Company shall at any time be left standing in Thomas Street, but such cars or carriages shall in every case be taken direct from the stables to the Bury Old Road, and vice versâ, without delay :
4. The Company shall cause the gate proposed to be constructed at the Thomas Street entrance of their stables to be kept always closed, except when actually used for the passage of cars and carriages to and from Thomas Street, and to be immediately re-closed after such user. Such gate shall be used exclusively for the passage of cars and carriages of the Company, and not as an entrance for the general purposes of the Company :
5. The powers conferred on the Company by the section of this Act of which the marginal note is "Power to make additional crossings, &c.," shall not be exercised in Thomas Street without the consent in writing of the said trustees first had and obtained.

Protection
of corpora-
tion of Man-
chester.

55. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, in the county of Lancaster (in this section referred to as "the corporation"), shall be in force and have effect :

Sections 30, 32, and 33 of the Tramways Act, 1870, shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the gas and water mains, pipes, and apparatus 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, provided that all works or interference with or in connexion with the gas and water mains, pipes, or apparatus of the corporation under the 30th section of the Tramways Act, 1870, or otherwise, shall be made and executed by the corporation, and not otherwise, upon the request and at the cost of the Company :

The cost of constructing, providing, and laying any new gas or water mains, pipes, or apparatus in substitution for any which may be rendered useless by the construction of the tramways

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authorised by this Act, or by the Acts of 1878 and 1879, or by the Manchester Suburban Tramways Orders of 1877 and 1878, and the value of any gas or water mains, pipes, or apparatus belonging to or under the control of the corporation, rendered useless or unproductive to the corporation by the works authorised by this Act, or by the Acts of 1878 and 1879, or by the Manchester Suburban Tramways Orders of 1877 and 1878, shall on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation, be repaid to the corporation by the Company :

Provided always, that when any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus, the Company shall (unless the increased dimension be required by reason of the construction or existence of the said tramways) only be required to pay the costs which would have been incurred by the substitution of a main, pipe, or apparatus of equal dimensions with the existing main, pipe, or apparatus :

The corporation shall not be liable for, and the Company shall indemnify the corporation against, all loss to the Company by reason of suspension of traffic, and all accidents, damages, or injuries either to the said tramways and to the works and property of the Company, and the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof which may, either during the progress of the works of the Company or at any time hereafter, be caused by the bursting, breakage, or leakage of or escape of gas or water from any main or pipe, or other apparatus of the corporation crossing or being underneath (either wholly or partially), or near to any tramway or work of the Company, or which may have been affected by works of the Company, unless such accidents, damages, or injuries arise as the consequence of any wilful act or default of the corporation or their officers or servants :

All and singular the sum and sums of money in this section provided to be paid by the Company to the corporation may be recovered by the corporation by all and the same means as any simple contract debt :

Nothing in this Act shall be construed so as to discharge, alter, or in anywise affect any covenant, condition, or provision of a lease dated the twenty-seventh day of July one thousand eight hundred and seventy-seven, and expressed to be made between

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the corporation of the one part and William Turton and Daniel Busby of the other part, nor to lessen, alter, or prejudicially affect any rights, powers, interests, or remedies of the corporation thereunder:

Nothing in this Act contained shall be construed so as to discharge, alter, or in anywise affect a tender dated the sixteenth day of June one thousand eight hundred and seventy-nine, and expressed to be made by and on behalf of the Manchester Carriage Company, Limited, for the leasing of tramways of the corporation under the Manchester Corporation Tramways Order, 1878, or the acceptance by the corporation of such tender, nor to lessen, alter, or prejudicially affect any rights, powers, interests, or remedies of the corporation thereunder.

Protection
of corpora-
tion of
Oldham.

56. And whereas by the Act of 1878 the Company were empowered to construct certain tramways in the borough of Oldham, therein described as Tramways Nos. 9 and 9A, and by clause 6 of the said Act it was enacted that the Company should not, until the expiration of eighteen months after the passing of that Act, exercise the powers of that Act with respect to the making of the said Tramways Nos. 9 and 9A, and that if within the said period of eighteen months the mayor, aldermen, and burgesses of the borough of Oldham (herein-after called the corporation) should have constructed so much of the Tramways Nos. 1 and 2 proposed to be authorised by a provisional order then pending under the title of the Oldham Borough Tramways Order, as extended from the commencement thereof respectively to the end of Hudson Street, in the borough of Oldham, and should have connected their said Tramways Nos. 1 and 2 with the Tramways Nos. 8 and 8A respectively of the Company authorised by the said Act to the reasonable satisfaction of the engineer of the Company, or permitted the Company so to connect the same with suitable junctions, then the powers of that Act for the construction of the said Tramways Nos. 9 and 9A should cease and determine, and the Company should have the right to use the said portions of the said Tramways Nos. 1 and 2 upon such terms as are from time to time to be agreed upon between the Company and the corporation:

And whereas the Oldham lines by this Act authorised are intended to form a connexion between the tramways referred to in the said clause 6 and the stables of the Company at Hudson Street in Oldham; and whereas the corporation have constructed the portions of their Tramways Nos. 1 and 2 referred to in the said clause 6, and it is expedient that provision should be made for the

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construction by them of the Oldham lines by this Act authorised; therefore, if the corporation within six months after the passing of this 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 by this Act conferred upon the Company for the construction of the said Oldham lines by this Act authorised, then all the powers contained in this Act for the construction of such tramways shall thereupon vest in and be deemed to be conferred upon the corporation in lieu of the Company, and the said lines when constructed shall be deemed to be part of the said Tramways Nos. 1 and 2 of the corporation herein-before referred to.

57. All the provisions for the protection of the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne, in the county of Lancaster (in this section called the corporation), contained in section 38 of the Manchester Suburban Tramways Act, 1879, shall apply to the tramways by this Act authorised, in so far as such tramways are or shall be situate within the said borough, and to the corporation and to the Company as fully and to the same effect as if the whole of the said provisions had been repeated in this Act, and as if the name of the Company had been inserted therein instead of the name of the Manchester Suburban Tramways Company: Provided always, that the Company shall not make any crossing, passing-place, siding, or junction in Old Street, in the said borough, without the previous consent in writing of the corporation.

58. If the Company fail within the respective periods limited by this Act to complete the tramways forming the several lines by this Act authorised respectively, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited, until the uncompleted tramways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of those tramways remaining so uncompleted.

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act, 1854.

Every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit named in such

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Protection
of corpora-
tion of
Ashton-
under-Lyne

Penalty
imposed
unless tram-
ways opened.

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A.D. 1880. warrant or order, and shall not be paid thereout except as hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted tramways by unforeseen accident or circumstances beyond their control: Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Provision
for appli-
cation of
penalty in
compensa-
tion to
parties in-
jured by
non-com-
pletion of
tramways.

59. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways in respect of which the penalty has been incurred, or any portion thereof, and also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit.

If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of that Company for the benefit of the creditors thereof.

Period for
completion
of works.

60. If the tramways shall not be completed within two years from the passing of this Act, then on the expiration of that period

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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. A.D. 1880.

61. The period limited by the Act of 1878 for the completion of the tramways by that Act authorised is hereby extended for the period of one year from the fourth day of July one thousand eight hundred and eighty, and sections 35 and 36 of the said Act shall be read and have effect as if the period therein referred to for the completion of the tramways had been the period limited for the completion of the said tramways as extended by this Act. Extension of time for completion of tramways authorised by Act of 1878.

62. The period limited by the Order of 1878 for the completion of the tramways by that Act authorised is hereby extended for the period of one year from the twenty-second day of July one thousand eight hundred and eighty. Extension of time for completion of tramways authorised by Order of 1878.

63. 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, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised to be taken by the Company. Provisions as to general tramway Acts.

64. 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.

