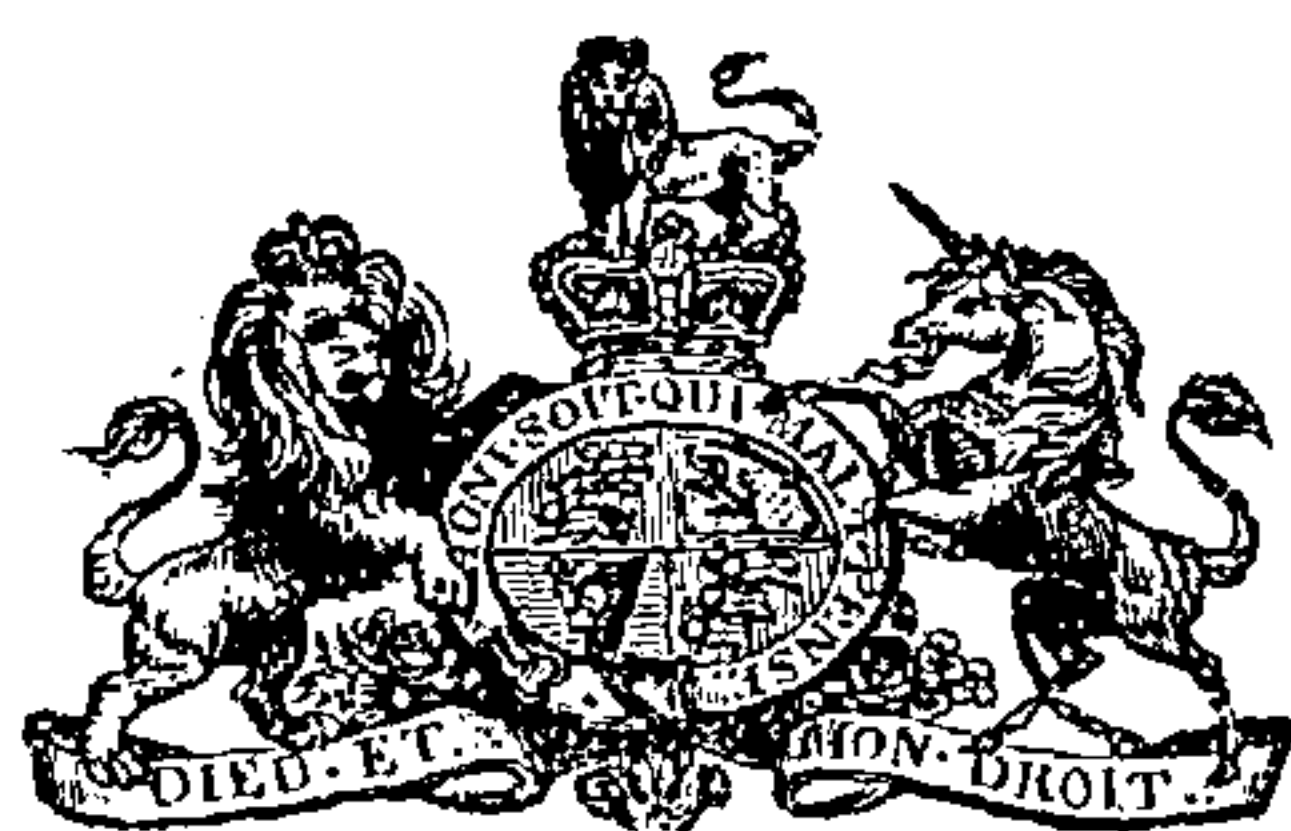




CHAPTER xcii.

An Act to authorise the Liverpool United Tramways and Omnibus Company to construct new Tramways and to confer further powers on them with reference to other Tramways in the neighbourhood of Liverpool; and for other purposes. A.D. 1882.
[3rd July 1882.]

WHEREAS it is expedient that the Liverpool United Tramways and Omnibus Company incorporated by the Liverpool United Tramways and Omnibus Company's Act 1879 (in this Act called "the Company") should be authorised to construct the new tramways in this Act described and to raise additional capital: 42 & 43 Vict.
c. xcvi.

And whereas it is expedient that further powers as in this Act mentioned should be conferred upon the Company with reference to the said tramways and other tramways in the neighbourhood of Liverpool connected with the system of tramways now leased to and worked by the Company:

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 were duly 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 respectively:

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

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

1. This Act may be cited for all purposes as the Liverpool Short title. Tramways Act 1882.

A.D. 1882.

Incorporation of parts of 33 & 34 Vict. c. 78.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

8 & 9 Vict. c. 16.

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) and section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :

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 ;

The conversion of the borrowed money into capital ; and

The consolidation of shares into stock ; and

Part I (relating to cancellation and surrender of shares) and

26 & 27 Vict. c. 118.

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.

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 and—

The expression “the tramways” shall mean the tramways and works by this Act authorised :

The word “contingencies” in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 section forty-three at a sum less than the aggregate amount of the capital and debts of the Company :

The expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated with this Act shall be construed 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.

A.D. 1882.

4. 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—

Power to
make tram-
ways.

Tramway No. 1 a single line six furlongs and one chain in length commencing in West Derby Road by a double junction with the existing tramways in that road at the end of Boundary Lane and passing into and along Boundary Lane and Whitefield Road and thence in a south-easterly direction into and along Belmont Road to West Derby Road and terminating by a double junction with the existing tramways in the last-named road at the end of Belmont Road :

Tramways No. 1A and No. 1B being short junction curves each half a chain or thereabouts in length for the purpose of connecting Tramway No. 1 with the Company's premises on the north-west side of Whitefield Road opposite the end of Lombard Street :

Tramway No. 2 a single line one furlong nine chains and seventy-five links in length commencing in Breck Road by a junction with the Tramway No. 15 authorised by the Liverpool Corporation Tramways (Extension) Order 1881 at the termination thereof at or near the end of Belmont Road and passing thence into and along Belmont Road and terminating by a double junction with Tramway No. 1 at the end of Whitefield Road :

Tramways Nos. 3 3A 3B 3C and 3D two furlongs and eight chains in length of which one furlong is double line and one furlong and eight chains is single line commencing in Breck Road by a junction with the Tramway No. 15 authorised by the Liverpool Corporation Tramways (Extension) Order 1881 at the termination thereof at or near the end of Belmont Road and passing thence in a north-easterly direction along Breck Road and terminating in that road at a point three chains or thereabouts north-east of the end of Priory Road :

Tramway No. 3E a short junction curve one chain in length to connect Tramways No. 2 and No. 3 at the junction of Breck Road with Belmont Road :

The total length of the tramways is one mile three furlongs and seventy-five links of which one mile two furlongs and seventy-five links is single line and one furlong is double line :

A.D. 1882. — The tramways will be situate in the several parishes or townships following or some of them (that is to say) Walton-on-the-Hill West Derby and Everton all in the county of Lancaster.

Power to
Company to
raise addi-
tional
capital.

5. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking any additional capital not exceeding in the whole the sum of twenty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively.

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

6. The Company shall not issue any share created under the authority of this Act of a less nominal amount than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Except as
otherwise
provided new
shares or
stock to be
subject to
the same
incidents as
other shares
or stock.

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

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

Dividends
on new
shares or
stock.

9. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

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

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

Power to
borrow.

11. The Company may in respect of the additional capital of twenty-five thousand pounds which they are by this Act authorised

to raise from time to time borrow on mortgage any sum not exceeding in the whole six thousand two hundred and fifty pounds and of that sum they may borrow from time to time not exceeding two thousand pounds in respect of each complete sum of eight thousand pounds of the said additional capital and two hundred and fifty pounds in respect of the remaining sum of one thousand pounds of such capital but no part of any such sum of two thousand pounds or two hundred and fifty pounds shall be borrowed until shares for so much of the additional capital in respect of which the same is borrowed as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the additional capital in respect of which the same is borrowed as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same And upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1882.

12. The Company shall not create debenture stock.

Company not to create debenture stock.

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

Mortgage to comprise purchase money paid on compulsory sale.

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

Endorsement of notice of power of future purchase by the local authority.

A.D. 1882.
—
Application
of moneys.

15. All moneys raised under this Act whether by shares or stock or by borrowing shall be applied to the purposes of this Act and subject thereto to the general purposes of the Company's undertaking to which capital is properly applicable and to no other purpose whatever.

Authorising
agreements
between
Company
and certain
public bodies.

16. The Company on the one hand and any of the following bodies on the other hand namely the mayor aldermen and citizens of the city of Liverpool or the council of the said city the West Derby Local Board and the Walton-on-the-Hill Local Board and any other parties (whether bodies corporate or persons) having the direction of the repair or having the control or management of any streets roads and other thoroughfares in the said city or in any of the aforesaid parishes townships and places may from time to time enter into and carry into effect agreements with reference to all or any of the purposes of this Act and with respect to the laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers pavements and works connected therewith within their respective districts and for facilitating the passage of traffic and carriages over and along the tramways within their respective districts.

Further
powers to
Company
with refer-
ence to tram-
ways in dis-
tricts of
Bootle Wa-
vertree and
Waterloo.

17. The Company may if so agreed with the respective local authorities of the districts herein-after mentioned take on lease work and maintain the tramways in the districts of Bootle-cum-Linacre and Wavertree which the respective local authorities of those districts have been or may be authorised to construct and any tramways in the district of Waterloo-with-Seaforth which the local board of that district may be authorised to construct or any of such tramways.

Power to
purchase &c.
lands by
agreement.

18. 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 two 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.

Imposing
penalty
unless tram-
ways opened.

19. If the Company fail within the period limited by this Act to complete the tramways the Company 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 the tramways :

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. A.D. 1882.
17 & 18 Vict.
c. 31.

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 warrant or order and shall not be paid thereout except as herein-after 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.

20. 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 :

Providing for application of penalty in compensation to parties injured by non-completion of tramways.

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

A.D. 1882. — 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 the Company for the benefit of the creditors thereof.

Period for completion of works.

21. If the tramways shall not be completed within two years from the passing of this Act then 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.

As to locomotive power.
43 & 44 Vict.
c. cxxvi.

22. For the purposes of section twenty-four (Corporation may require use of steam power) of the Liverpool Tramways Act 1880 the tramways by this Act authorised shall be deemed to be part of the tramways leased or to be leased to the Company under that Act.

PART II.

Mode of formation of tramways.

23. 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 one inch 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.

Rails to be approved by Board of Trade.

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

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

25. 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 tramways 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.

Inspection by Board of Trade.

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

Tramways to be kept level with surface of road.

27. 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 the tramways is laid 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 so altered. A.D. 1882.
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28. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or any part thereof respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act. Further provisions as to construction of tramways.

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

30. 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 twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board and if such officer report that the default mentioned in such repre- Power to Board of Trade to inquire as to maintenance of rails and roads.

A.D. 1882. — sentation 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 last preceding section imposed.

Power to make additional crossings &c.

31. 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 junctions curves crossings turn-outs 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 junctions curves crossings turn-outs and other works shall in all respects be thereafter subject to the provisions of this Act and the Acts incorporated therewith as fully and effectually as if the same had been originally described or marked on the said deposited plans.

Tolls for passengers.

32. The Company may demand and take for every passenger travelling upon any of the tramways or any part or parts thereof respectively (including tolls for the use of the tramway and of carriages and for motive power and for every other expense incidental to such conveyance) any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile).

Confirmation of agreement between Company and corporation of Liverpool.

33. The articles of agreement made between the Company of the one part and the mayor aldermen and citizens of the city of Liverpool of the other part set forth in the First Schedule to this Act are hereby confirmed and made binding on the parties thereto respectively and full effect may and shall be given thereto and so far as relates to passengers travelling to or from any part of the district of West Derby the local board for that district shall be considered to have been parties to the said articles of agreement as if they had been named therein as parties thereto jointly with the said mayor aldermen and citizens of the other part and

had sealed the same and shall be entitled to the full benefit of such agreement. A.D. 1882.

34. Sections fifty-nine sixty and sixty-two of the Liverpool Tramways Act 1868 are incorporated with and form part of this Act and shall extend and apply to the tramways 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. Extending provisions of 31 & 32 Vict. c. clxvii. as to tolls &c.

35. The Company shall at all times after the opening of the tramways for public traffic run 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 artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the Board of Trade shall have power to fix and regulate the same from time to time. Cheap fares for labouring classes.

36. With respect to so much of the tramways or parts thereof authorised by this Act as will be situate within the city of Liverpool the following provisions shall have effect (that is to say):— For protection of the corporation of Liverpool.

(1) Unless the corporation of Liverpool within six months after the passing of this Act by notice in writing left at the office of the Company elect not to construct such tramways or parts the same shall be constructed by the corporation within the period limited by this Act but in all other respects shall be constructed maintained and used as if the same had been authorised by the Liverpool Corporation Tramways Order 1879 to be constructed by the corporation and the provisions of that Order and of the Tramways Orders Confirmation Act 1879 relating to that Order and the following provisions of the Liverpool Tramways Act 1880 shall apply to such tramways or parts namely:—

Section ten (except so much thereof as relates to the expenses of the said Order of 1879):

Sections twelve to twenty-five both inclusive:

And for the purposes of this section the corporation may borrow subject to and in accordance with the provisions of section forty-three of the said Order any further sum or sums of money not exceeding in the whole the sum of four thousand pounds in addition to the amount by that section authorised

A.D. 1882.

43 & 44 Vict.
c. ccvii.

to be borrowed and for the purpose of raising or securing the said sum of four thousand pounds the corporation may create and issue capital stock under the provisions of the Liverpool Corporation Loans Act 1880 And any money borrowed or stock issued under the authority of this section shall be charged upon the rents and revenues of the tramways of the corporation and as a further security upon the borough fund and borough rate and shall be paid off or extinguished within thirty years from the time of the first borrowing or issue of any part of such money or stock :

(2) Nothing in this Act contained or to be done under the provisions of this section or under any other provisions of this Act shall be deemed to be or to involve any approval by the corporation of the acquisition of any land or the erection or provision of any buildings or plant by the Company within the meaning or for the purposes of section fifteen of the Liverpool Tramways Act 1880 :

(3) The provisions of Part II of this Act shall not apply to such tramways or parts if the same shall be constructed by the corporation :

(4) Such tramways and parts shall for all purposes of tolls and fares chargeable for persons travelling from any part of the city to any other part of the city be deemed to be continuous with any other tramways authorised by Parliament and already constructed or authorised to be constructed within or without the city which are for the time being worked or used by the Company or other the lessees or licensees of such tramways or parts so as that such tolls and fares shall be charged as if such tramways and parts and all such other tramways were one tramway.

Saving for
corporation
of Liverpool.

37. Nothing in this Act except as expressly provided shall prejudice any rights powers or privileges of the corporation of Liverpool under the Tramways Act 1870 or under any of the Acts or Provisional Orders relating to the tramways of the corporation or of the Company.

For protection of
Walton-on-the-Hill
Local Board.

38. The following provisions for the protection and benefit of the local board for the district of Walton-on-the-Hill in the county of Lancaster (in this Act called "the Walton Board") shall apply and have effect and in this section the Walton tramways shall mean so much and such part or parts of the tramways by this Act authorised as are situate within the district of the Walton Board :—

(1) The powers herein-before contained for the construction and maintenance by the Company of the Walton tramways shall

be suspended for six months from the passing of this Act and if the Walton Board shall so decide by a resolution passed at a special meeting they may within such period of six months by notice in writing sent to the secretary or delivered at the principal office of the Company and also published in the London Gazette elect to be substituted in the place of the Company for the purposes of this Act so far as the same relate to the Walton tramways and thereupon all the rights powers and authorities conferred by this Act upon the Company as to the construction and maintenance of the Walton tramways and the works connected therewith or incidental thereto shall be transferred to and vested in and may thenceforth be exercised by the Walton Board in like manner as if the Walton Board had been in the first instance authorised by this Act to construct such tramways and works Provided always that if after such election as aforesaid shall have been made by the Walton Board the Walton tramways or any part thereof shall not be completed within eighteen months after the passing of this Act then all the powers of this Act in respect of such tramways or parts thereof as shall not have been completed as aforesaid shall revert to and be exercisable by the Company as if no such election had been made :

- (2) In lieu of exercising the powers herein-before in this section contained the Walton Board may in pursuance of a special resolution in that behalf at any time after the completion of the Walton tramways or any part thereof by notice in writing sent to the secretary or delivered to the principal office of the Company elect to purchase the Walton tramways or such of them as shall at any time be constructed by the Company under the powers of this Act and thereupon the Company shall sell and convey the same to the Walton Board and the purchase money shall be the amount properly expended by the Company in the construction of such tramways and the sale shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and upon the execution of such deed all the rights powers and authorities of the Company in respect of the tramways sold shall be transferred to and vested in and may be exercised by the Walton Board in like manner as if such tramways were constructed by such authority under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 :
- (3) All moneys paid or expenses incurred by the Walton Board in respect of the construction of tramways under subsection (1) or purchase of tramways under subsection (2) of

A.D. 1882.

this section and all other expenses incurred by the Walton Board in the exercise of the powers of this Act shall be paid out of the like rate and the Walton Board shall have the like powers to borrow for thirty years as if such moneys and expenses were expenses incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 and for the purpose of such borrowing the Walton Board may include in any mortgage of the local rates any rents reserved under any lease granted by them of any tramways constructed or purchased by them under this section and the tolls and charges authorised to be taken or received by them under the provisions of this Act :

- (4) With respect to tolls and charges the tramways constructed under this Act shall be deemed to be part of the tramways authorised by the Walton-on-the-Hill Tramways Order 1880 and articles thirty to thirty-eight (both inclusive) of that Order shall so far as may be extend and apply to the tramways constructed or purchased under this Act and to the tolls and charges in respect thereof :
- (5) Immediately after the construction or purchase of tramways by the Walton Board under this Act they shall lease the same to the Company and the Company shall accept a lease thereof for a term commencing at the expiration of fourteen days after the date on which the tramways shall be certified by the Board of Trade to be fit for public traffic and terminating at the same time as the lease granted or intended to be granted to the Company under section forty-five of the Liverpool Tramways Act 1880 and the rent to be reserved by the lease by this section authorised shall be nine pounds per centum upon the cost of construction or purchase money (as the case may be) and such lease shall be upon and subject to the same terms and conditions as are specified in subsections (2) (3) (4) and (5) of section forty-five of the last-mentioned Act :
- (6) During the continuance of any lease granted by the Walton Board to the Company under the said Act of 1880 or this Act the Company subject to the provisions of the thirty-fourth section of the Walton-on-the-Hill Tramways Order 1880 shall not demand or take any higher fares than are set forth in the Second Schedule to this Act in respect of passengers travelling between the places mentioned in the said schedule respectively :
- (7) During the continuance of any lease granted by the Walton Board under the said Act of 1880 or this Act the Company shall run through cars every day (except Sundays) between the

hours of 8.30 in the forenoon and 6.30 in the afternoon at intervals of not more than fifteen minutes and between the hours of 6.30 and 8.30 in the evening at intervals of not more than half an hour to and from the Liverpool Exchange or Lime Street from and to one or other of the termini at Aintree and Longmoor Lane in the district of the Walton Board : A.D. 1882.

- (8) If at any time hereafter Belmont Road shall be widened the Walton Board may require the Company if the Walton tramways or the power to construct the same shall be then vested in them to lay or re-lay and maintain the tramways authorised to be laid in that road in such position in the said road as they shall specify and the expense of any such re-laying shall be deemed to be part of the cost of the construction of such tramways Provided always that except in cases where any such tramways are by this Act authorised to be so laid that a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of such tramway the Company shall not alter the position of such tramways so that a less space than nine feet six inches will intervene between any rail thereof and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the part of the road where such rail is proposed to be laid shall by writing under his hand addressed to the Company express his objection thereto :
- (9) The Walton Board 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 sections thirty-two and thirty-three of the Tramways Act 1870 shall apply to any sewer or drain of the Walton Board as if the same were a pipe for the supply of gas or water :
- (10) Any paving metalling or material (except square sets) excavated by the Company in the construction of their works from any road under the jurisdiction or control of the Walton Board shall belong to the said board and the Company shall when required so to do permit such paving metalling or material to be taken away by the surveyor for the time being of such board or such person or persons as he may appoint :
- (11) Subject to the approval of the Board of Trade the rails sleepers and details of construction of the Walton tramways shall be similar to those adopted for the other tramways constructed by the Walton Board in their district :

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- (12) The Company shall pave the whole of the space between the outside of the tramways in Breck Road and the paving at the sides of that road notwithstanding that the width of such space may exceed eighteen inches.

For protection of the West Derby Local Board.

39. The following provisions for the protection and benefit of the local board for the district of West Derby in the county of Lancaster (in this Act called the West Derby Board) shall apply and have effect and in this section the West Derby tramways shall mean so much and such part or parts of the tramways by this Act authorised as are situate within the district of the West Derby Board ;

- (1) The powers herein-before contained for the construction and maintenance by the Company of the West Derby tramways shall be suspended for six months from the passing of this Act and if the West Derby Board shall so decide by a resolution passed at a special meeting they may within such period of six months by notice in writing sent to the secretary or delivered at the principal office of the Company and also published in the London Gazette elect to be substituted in the place of the Company for the purposes of this Act so far as the same relate to the West Derby tramways or any or either of them and thereupon all the rights powers and authorities conferred by this Act upon the Company as to the construction and maintenance of the West Derby tramways or such of them as the West Derby Board shall elect to construct and the works connected therewith or incidental thereto shall be transferred to and vested in and may thenceforth be exercised by the West Derby Board in like manner as if the West Derby Board had been in the first instance authorised by this Act to construct such tramways and works Provided always that if the West Derby tramways or such of them as the West Derby Board shall elect to construct as aforesaid or any part of them shall not be completed by the West Derby Board within eighteen months after the passing of this Act then all the powers of this Act in respect of such tramways or parts thereof as shall not have been completed as aforesaid shall revert to and be exerciseable by the Company as if no such election had been made :

- (2) In lieu of exercising the powers herein-before in this section contained the West Derby Board may in pursuance of a special resolution in that behalf at any time after the completion of the West Derby tramways or any of them or any part thereof by notice in writing sent to the secretary or

delivered at the principal office of the Company elect to purchase the West Derby tramways or such of them as shall at any time be constructed by the Company under the powers of this Act or any part thereof and thereupon the Company shall sell and convey the same to the West Derby Board and the purchase money shall be the amount properly expended by the Company in the construction of such tramways or such of them as the West Derby Board shall so elect to purchase and the sale shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and upon the execution of such deed all the rights powers and authorities of the Company in respect of the tramways sold shall be transferred to and vested in and may be exercised by the West Derby Board in like manner as if such tramways were constructed by such authority under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 :

- (3) All moneys paid or expenses incurred by the West Derby Board in respect of the construction of tramways under subsection (1) or purchase of tramways under subsection (2) of this section and all other expenses incurred by the West Derby Board in the exercise of the powers of this Act or incidental thereto shall be paid out of the like rate and the West Derby Board shall have the like powers to borrow for thirty years as if such moneys and expenses were expenses incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 and the West Derby Board were authorised by such an order duly confirmed by Parliament to borrow and for the purpose of such borrowing the provisions of the twentieth section of the Tramways Act 1870 shall so far as can be apply and have effect and the West Derby Board may include in any mortgage of their general district rate any rents reserved under any lease granted or to be granted by them of any tramways constructed or purchased by them under the powers of this Act and the tolls and charges authorised to be taken or received by them under the provisions of this Act :
- (4) With respect to tolls and charges the tramways constructed or purchased by the West Derby Board under this Act shall be deemed to be part of the tramways authorised by the West Derby Local Board Tramways Order 1878 and sections twenty to twenty-three both inclusive of that order (but subject and without prejudice to the provisions of the agreement of the first day of March one thousand eight hundred and eighty-two set forth in the First Schedule to this Act) shall so far as can be

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extend and apply to the tramways constructed or purchased by the West Derby Board under this Act and to the tolls and charges in respect thereof :

- (5) Immediately after the construction or purchase of tramways by the West Derby Board under this Act they shall lease the same to the Company and the Company shall accept a lease of such tramways for a term commencing at the expiration of fourteen days after the date on which the tramways shall be certified by the Board of Trade to be fit for public traffic and terminating at the same time as the lease granted or intended to be granted to the Company under section forty-six of the *Liverpool Tramways Act 1880* and the rent to be reserved by the lease by this section authorised shall be nine pounds per centum upon the cost of construction or purchase money (as the case may be) and such lease shall be upon and subject to the same terms and conditions as are specified in subsections (2) (3) (4) and (5) of section forty-six of the last-mentioned Act :
- (6) The West Derby Board 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 sections thirty-two and thirty-three of the *Tramways Act 1870* shall apply to any sewer or drain of the West Derby Board as if the same were a pipe for the supply of gas or water :
- (7) Any paving metalling or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of the West Derby Board may be applied by the Company so far as may be necessary in or towards the reinstating and reconstructing of such road and the Company shall when required so to do permit the surplus paving metalling and material not used or required for the purposes aforesaid to be taken away by the surveyor for the time being of such board or such person or persons as he may appoint :
- (8) Subject to the approval of the Board of Trade the rails sleepers and details of construction of the West Derby tramways shall be similar to those adopted for the other tramways constructed by the West Derby Board in their district :
- (9) The Company shall keep a separate account of the cost of the construction of each of the tramways and parts of tramways authorised by this Act to be constructed wholly or partly within the West Derby Board's district which shall be constructed by the Company and shall forthwith after the con-

struction of any of such tramways or parts of tramways by them furnish a copy of such account to the West Derby Board and shall also permit such board and any person or persons authorised by them at all reasonable times to inspect the originals of all such accounts and all contracts receipts and vouchers relating thereto.

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PART III.

40. 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.

Interest not to be paid on calls paid up.

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

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

42. Nothing in this Act shall be construed to exempt the tramways or any of them from the provisions of any general Act relating to tramways now in force or which may be passed in this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Provision as to general tramway Acts.

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

Costs of Act.

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SCHEDULES.

The FIRST SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made and entered into this first day of March one thousand eight hundred and eighty-two between the Liverpool United Tramways and Omnibus Company of the one part and the mayor aldermen and citizens of the city of Liverpool of the other part :

WHEREBY it is hereby mutually covenanted and agreed with respect to all tramways constructed or authorised to be constructed within or outside the city as follows namely :—

1. That the fare to be charged to a passenger proceeding from any point between the Church Street end of Basnett Street and Castle Street or between the Church Street end of Basnett Street and the Pier-head to be one penny inside or outside. Between the pier-head and the Town Hall one penny inside or outside.
2. That (except as provided in the preceding clause) the maximum fare between any points on the part or district coloured blue on the plan and Castle Street or the Pier-head be twopence inside or outside.
3. That the maximum fare between any points on the part or district coloured pink on the plan be twopence inside or outside.
4. That the maximum fare between any points on the part or district coloured yellow on the plan be twopence inside or outside.
5. That the maximum fare between any points on the part or district coloured green on the plan be twopence inside or outside.
6. That the maximum fare between any points within the boundaries of two parts or districts shall be threepence inside and twopence outside or of three parts or districts fourpence inside and threepence outside or of four parts or districts sixpence inside and fourpence outside.
7. That the fare for every outside passenger travelling for any distance between Saint James's Church Mill Street and the junction of Cazneau Street and Scotland Road by the cars running along Saint Anne Street be one penny.
8. The plan mentioned in this agreement means a certain plan (in duplicate) dated first March one thousand eight hundred and eighty-two and signed by Mr. Arthur Bower Forwood Chairman of the Health Committee on behalf of the corporation and by Mr Robert Neilson Chairman of the Liverpool United Tramways and Omnibus Company on behalf of the Company.

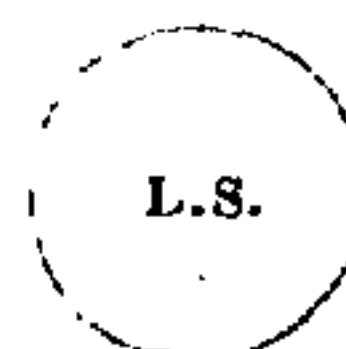
9. If and when approved both parties are to use their best endeavours to get the provisions of this agreement confirmed by Parliament. A.D. 1882. —

10. The maximum rates of fares herein provided so far as they affect districts not within the jurisdiction of the corporation of Liverpool shall not be binding on the local boards of the respective districts and should any local board desire their district excepted from this arrangement it is to be allowed and the parties to be remitted to their original rights.

This agreement is without prejudice to and does not affect the provisions of the Tramway Acts and Provisional Orders as to cheap fares for the labouring classes.

In witness whereof the Liverpool United Tramways and Omnibus Company and the mayor aldermen and citizens of the city of Liverpool have hereunto affixed their respective common seals the day and year first before written.

R. NEILSON,
Chairman.



J. HUGHES,
Mayor.



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The SECOND SCHEDULE referred to in the foregoing Act.

		In. d.	Out. d.
From or to Exchange or Lime Street	To or from Aintree or Longmore Lane :		
	Week days	5	4
	Sundays	6	6
From or to Exchange or Lime Street	To or from Black Bull :		
	Week days	4	3
	Sundays	4	4
From or to Preston Road Station	To or from Aintree :		
	Week days	2	2
	Sundays	3	3
From or to Preston Road Station	To or from Longmore Lane :		
	Week days	2	2
	Sundays	3	3
From or to Preston Road Station	To or from Walton Church :		
	Week days	2	2
	Sundays	3	3
From or to Exchange or Lime Street	To or from Walton Church :		
	Week days	3	2
	Sundays	3	3
From or to Whittle Street	To or from Aintree or Longmore Lane :		
	Week days	4	3
	Sundays	4	4
From or to Whittle Street	To or from Black Bull :		
	Week days	3	2
	Sundays	3	3

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