



CHAPTER xxv.

An Act for incorporating and conferring powers on the
Morecambe Tramways Company. A.D. 1886.
[4th June 1886.]

WHEREAS the construction of the tramways and of the road widenings in connection therewith hereinafter described in the county palatine of Lancaster would be attended with public and local advantage and the persons hereinafter named with others are willing to construct the said tramways and works on being incorporated into a Company and having the powers hereinafter contained conferred upon them:

And whereas plans and sections showing the lines and levels of the tramways and road widenings authorised by this Act such plans showing the lands proposed to be taken compulsorily under this Act and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county palatine of Lancaster and are hereinafter respectively referred to as the deposited plans sections and books of reference:

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

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

1. This Act may be cited as the Morecambe Tramways Act Short title. 1886.

2. The Companies Clauses Consolidation Act 1845 Part I. Incorporation of Acts.
(relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Land Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and section 3 (interpretation of terms) section 19 (local authority

A.D. 1886. — may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpre-
tation of
terms.

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" means the Company incorporated by this Act the expression "the tramway or tramways" means the tramways by this Act authorised the expression "the road widenings" means the road widenings authorised by this Act the expression "the undertaking" means the undertaking of the Company the expression "the Tramways Act" means the Tramways Act 1870 the word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 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 (section 43) at a sum less than the aggregate amount of the capital and debts of the Company and for the purposes of the said last-mentioned section as well as of this Act the road widenings shall be deemed to form part of the undertaking of the Company and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company
incor-
porated.

4. Samuel James Harris, John Thomas Marsden, Lawrence Holden, Richard Inglis Hall, George Hardcastle Petty, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the tramways and road widenings and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Morecambe Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make
tramways.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act the Company may make form lay down

work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith The tramways hereinbefore referred to and authorised by this Act are :—

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Tramway No. 1 of which 6 furlongs and 4·75 chains is single line and 2 furlongs and 6 chains is double line commencing in the Crescent Morecambe at a point 1 chain or thereabouts east of the centre of the new pier and passing along the Crescent and the New Promenade and terminating in that promenade at its junction with Bold Street ;

Tramway No. 2 of which 1 mile 2 furlongs and 4 chains is single line and 2 furlongs and 1 chain is double line commencing at the termination of Tramway No. 1 and passing thence into and along the Sandylands Lane the Cross Lane the Over Town Lane and the Longlands Lane and terminating at the junction of that lane with Grimewell Lane.

6. Notwithstanding anything in this Act contained the Company shall not commence or proceed with the construction of Tramway No. 2 by this Act authorised between the first day of May and the first day of November in any year.

Tramway No. 2 not to be constructed during summer months.

7. The Company shall observe perform and comply with the following provisions (that is to say) :—

For protection of the Midland Railway Company.

1. In constructing and maintaining the Tramway No. 1 where the same will cross the railway and sidings belonging to the Midland Railway Company (hereinafter referred to as the railway company) now laid on the level of the road known as the New Promenade the same shall be constructed and maintained only in accordance with plans and sections to be agreed upon by the respective engineers of the railway company and of the Company or in default of agreement to be settled by arbitration as is hereinafter provided for and under the superintendence and to the reasonable satisfaction of such engineer of the railway company and at the costs in all things of the Company including all additional signals rendered necessary in the opinion of such engineer of the railway company by the construction and working of such tramway (but as to such superintendence only in case the railway company shall require the same) and such tramway and signals at the said level crossing shall be kept in constant and efficient repair to the satisfaction of such engineer of the railway company by and at the cost in all things of the Company including all signalling expenses for

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such signals Any additional expense incurred by the railway company in working or protecting their railway by reason of the execution of any of the works by this Act authorised or of any requirements of the Board of Trade consequent thereon shall be borne by the Company and shall be paid by them on demand to the railway company;

2. The carriages used on the tramways shall not be stopped on or be otherwise allowed to interfere with or obstruct the traffic passing along the said railway and sidings at the said level crossing and such traffic shall at all times have precedence of the traffic on the tramway the passing and conduct of which traffic in so far as it may appear to the railway company expedient or necessary to guard against or prevent any such interference or obstruction shall be subject to such rules byelaws and regulations and with such reasonable penalties for the breach or non-performance thereof as the railway company may make from time to time;
3. If by the execution of any of the works or by any operations or proceedings of the Company or the failure of any such works or operations or by any act or omission of the Company or of their contractors or of their respective agents servants or employés or by the working or user of the said tramway across the said railway and sidings the said railway and sidings or any of the works thereof is or are injured or damaged or any impediment or obstruction arise or be caused to the traffic on the said railway and sidings such injury or damage shall be forthwith made good by the Company at their cost and in all things to the satisfaction of such engineer of the railway company and on the failure of the Company so to do or to keep the said tramway at the said level crossing in such constant and efficient repair the railway company may make good the same and effect such repairs and recover from the Company the expense thereof respectively as also compensation for any such impediment or obstruction of traffic and all sums damages losses costs and expenses which they may pay incur or be put unto whether from accident or otherwise caused by or arising out of such working or user together with full costs and charges by all and the same means as any simple contract debt is recoverable;
4. Any dispute or difference between the parties with reference to any of the subject-matters of this clause shall be referred to and settled by such arbitrator as the respective engineers

of the Company and the railway company may agree upon or in case of difference between them as shall be appointed by the President of the Institution of Civil Engineers on the application of either of the parties and the provisions of the Common Law Procedure Act 1854 with reference to arbitration and any subsisting statutory modification thereof shall apply to the reference hereby intended.

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8. Subject to the provisions of this Act the Company may to the extent shown on the deposited plans and according to the levels shown on the deposited sections make and execute the road widenings following and may enter upon take and use the lands and houses within the limits of deviation shown on the deposited plans and described in the deposited books of reference in connection therewith respectively and may for the purposes of such road widenings enter upon open and break up the streets and roads hereinafter in this section mentioned The road widenings hereinbefore referred to and authorised by this Act are:—

Power to make road widenings.

- (1) The widening of Sandylands Lane on its north-west side;
- (2) The widening of Sandylands Lane and Cross Lane on the north-west side;
- (3) The widening of Cross Lane on its east side;
- (4) The widening of Cross Lane on its west side;
- (5) The widening of Cross Lane and Over Town Lane on the west side;
- (6) The widening of Over Town Lane on its east side;
- (7) The widening of Over Town Lane on its west side;
- (8) The widening of Longlands Lane on its north and west side to the termination of Tramway No. 2.

9. For the purpose of preserving the existing rural appearance of the several lanes along which it is intended to lay Tramway No. 2 the Company shall before opening that tramway for public traffic plant a quickset hedge in every case in which the Company by setting back the boundary of the road shall disturb the existing fence or hedge.

Hedges &c. destroyed to be replanted.

10. The Company in making the road widenings may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet but not so as to increase the rate of inclination of the road as shown on the deposited sections.

Powers of deviation in road widenings.

11. As and when the road widenings shall respectively have been completed to the satisfaction of the persons or corporations having the control and management of the roads and lanes in which the respective widenings have been made the road or lane so widened shall (subject to the provisions of the Tramways Act as to the

Widened roads to remain vested in road authority.

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repair by the Company of part of roads in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects of such persons or corporations as heretofore.

Power to make minor works connected with road widenings.

12. Subject to the provisions of this Act and the Tramways Act 1870 and for the purposes of the road widenings the Company may remove alter divert and interfere with any drain sewer or watercourse first providing a proper substitute before interrupting the flow of sewage in any drain or sewer or may alter the position of any water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of the road widenings and any main or other pipe used for carrying water or gas and also (subject nevertheless to the provisions of the Telegraph Act 1878) any pipe tube wire or apparatus laid down for telegraphic or other purposes causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for any damage caused by them. Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section fifteen of the said Act apply.

Stoppage of roads during execution of Act.

13. Subject to the provisions of this Act the Company may during the execution of the road widenings with the consent in writing of the road authority in whose district any road or lane shall be situate stop up the carriageway or footway of any road or lane as they think necessary and for that purpose may put up bars posts and other erections.

Purchase of lands by agreement.

14. In addition to the other lands and houses which the Company are by this Act authorised to purchase or acquire they may from time to time purchase or acquire by agreement any lands not exceeding in the whole three acres and may erect and hold stables offices buildings and other conveniences on any such lands.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors in deposited plans

16. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands

shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of such lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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and books of reference.

17. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Prohibiting purchase of labouring class dwellings.

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

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

Capital.

19. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one-fifth paid.

20. 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

Calls.

A.D. 1886. between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt
clause in
case of per-
sons not sui
juris.

Power to
borrow.

21. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

22. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole four thousand pounds but no part thereof shall be borrowed until the whole capital of sixteen thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

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

Company
not to create
debenture
stock.

24. The Company shall not create debenture stock.

Short title of
Act to be
marked on
mortgages.

25. Every mortgage granted by the Company shall be marked with the date and short title of this Act.

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

27. Every mortgage 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 undertaking in the event of purchase by the local authority under the forty-third section of the Tramways Act.

Indorsement
of notice of
power of
future pur-
chase by
local
authority.

28. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramway or by the exercise of any of the powers conferred upon the Company.

Money bor-
rowed on
mortgage
to have
priority.

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

Application
of moneys.

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

First or-
dinary meet-
ing.

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

Number of
directors.

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

Qualification
of directors.

33. The quorum of a meeting of directors shall be three and if the number of directors is reduced to three the quorum shall be two.

Quorum.

34. Samuel James Harris, John Thomas Marsden, and three persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

First
directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if 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

Election of
directors.

A.D. 1886. shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Tramway
deposit fund
not to be
repaid until
line opened.

35. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of five hundred and forty-eight pounds and fourteen shillings has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act whereof four hundred and eighty-six pounds nineteen shillings and sevenpence (hereinafter referred to as "the tramway deposit fund") represents five per centum upon the amount of the estimate in respect of the tramways and the balance whereof (amounting to sixty-one pounds fourteen shillings and fivepence and hereinafter referred to as "the road deposit fund") represents four per centum upon the amount of the estimate for road widenings Be it enacted that notwithstanding anything contained in the said Act the tramway deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid and the portion of the tramway deposit fund which bears to the whole of the tramway deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the Tramway hereby authorised the Chancery Division of the High Court of Justice in England shall on the application of the depositors order the portion of the tramway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act

having passed anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1886.

36. If the Company do not previous to the expiration of the period limited for the completion of the tramway complete the same and open it for the public conveyance of passengers then and in every such case the tramway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred on the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the tramway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramway deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor to 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 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 Provided that until the tramway deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Application
of tramway
deposit fund.

37. On an application being made by the depositors at any time after the passing of this Act the Chancery Division of the High

Release of
road deposit
fund.

A.D. 1886. Court of Justice in England may and shall order that the road deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or any other person or persons whom they may appoint on that behalf.

Mode of
formation of
tramways.

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

Protection of
traffic during
construc-
tion of
tramways.

39. During the construction of any works by this Act authorised in any road belonging to or within the jurisdiction of the Local Board of Poulton Bare and Torrisholme the Company shall make such arrangements in relation to the execution of all such works as may be satisfactory to the local board so as to prevent the traffic on such road from being unnecessarily impeded and for the prevention of accidents.

Inspection
by Board of
Trade.

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

Tramways
to be kept
on level of
surface of
road.

41. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company may and shall at their own expense 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.

Further pro-
visions as to
construc-
tion of
tramways.

42. In addition to the requirements of section twenty-six of the Tramways Act the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade 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 twenty-six of the said Act.

As to rails
of tramways.

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

44. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

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Penalty
for not main-
taining rails
and roads.

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

45. Every sanitary authority and their officers and servants shall at all times have free access to and communication with all existing and future sewers and drains whether public or private under the control of or maintained by the sanitary authority and all manholes ventilating shafts and other works in connection therewith and shall have power without the consent or concurrence of the Company to construct any new or additional public or private sewers or drains and any manholes ventilating shafts or other works connected therewith and any lateral or private drains to communicate therewith and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of the tramway Provided always that if at any time after the passing of this Act any of such sewers or drains whether public or private or any other works of or belonging to or under the control of any sanitary authority shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Company or their servants it shall be lawful for such sanitary authority immediately thereupon or at any time thereafter at the cost expense and risk of the Company

Sanitary
authority to
have access
to sewers.

A.D. 1886. to do what such sanitary authority deems necessary in order to the thorough and efficient repair and reinstatement of such sewer drain or other work as aforesaid and if the Company shall not on demand pay to such sanitary authority the costs and expenses incurred by such sanitary authority as aforesaid the sanitary authority may recover the same from the Company as liquidated damages in any court of competent jurisdiction.

Company may be required to use improved form of rail.

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

Passing-places to be constructed where less than a certain width left between footway and tramway.

47. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

48. The Company may subject to the provisions of this Act 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 sheds or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Agreements between the Company and road authorities.

49. The Company and any road authority may subject to the provisions of this Act from time to time enter into agreements with respect to the mode of forming laying down maintaining renewing and repairing the tramways and the rails plates sleepers and works connected therewith and with respect to the widening

and improvement of any roads or streets upon or along which the tramways or any part thereof are or is intended to be laid or constructed and for regulating the passage of carriages and traffic over and along the same or any part thereof.

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50. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways to be made where necessary.

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

51. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may but only if and so far as such road authority deem them satisfactory and proper be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section twenty-eight of the Tramways Act required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material 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

Application of road materials excavated in construction of works.

A.D. 1886. Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act with respect to differences between the promoters and any road authority.

Period for compulsory purchase of lands.

52. The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Time for completion of works.

53. If the tramways and road widenings authorised by this Act be not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for passengers.

54. The Company may demand and take for every passenger travelling upon the tramway or any part or parts thereof including tolls for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than two pence halfpenny.

Passengers' luggage.

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

Small parcels.

56. The Company may demand and take for the conveyance of small parcels on the tramway including the tolls for the use of the tramway and for motive power and every other expense incidental to the conveyance any rates not exceeding the rates following:—

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

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

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

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

As to mode &c. of payment of passenger tolls.

57. The tolls rates and charges by this Act authorised to be taken for passengers (including therein the cheap fares for the

labouring classes) shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of those tolls rates and charges appoint.

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

List of tolls to be exhibited.

59. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Company not to use carriages constructed for use on railways.

60. The Company shall not carry on the tramways any goods animals or other things other than passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

Company not to carry animals and goods.

61. The Company at all times after the opening of the tramway for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

62. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the

Periodical revision of tolls.

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

Carrying of
mails by
Company.

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

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

- (i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and
- (ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and
- (iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

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

(C) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon

a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger : A.D. 1886.

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

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

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

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

64. Where under the provisions of the Tramways Act or this Act any matter in difference is referred to the arbitration of any person to be nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 or any Act or rules whereby the same has been or may be modified or superseded shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties. Provision as to arbitration.

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

(1.) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk ;

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(2.) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered and every such letter shall be deemed to be received by the local or road authority or other body or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal or other office as aforesaid in the ordinary course of post.

Interest not
to be paid
on calls paid
up.

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

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

67. 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.

Saving for
Morecambe
Local Board.

68. Except as is by this Act otherwise expressly provided nothing in this Act contained shall extend or be construed to extend to take away abridge lessen prejudice or in anywise affect or alter any of the estates rights interests jurisdictions powers authorities immunities advantages or privileges of or belonging or appertaining to the Local Board of Poulton Bare and Torrisholme whether as the roads sewers or sanitary authority or otherwise howsoever but the local board shall and may subject to the provisions of this Act have use exercise and enjoy the same as fully freely and effectually in all respects as they could or might have done if this Act had not been passed.

Provisions as
to general
Tramway
Acts.

69. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or

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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.

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

Costs of Act.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1886.

