



CHAPTER xi.

An Act to authorise the Construction by the Corporation of Blackburn of new Tramways a new Street and Street Improvements and to extend the Time for Construction of the authorised Tramways and for the Abandonment of a portion of the authorised Tramways and for other purposes connected with the Tramways Undertaking of the Corporation of Blackburn. A.D. 1888.
[16th May 1888.]

WHEREAS by the Blackburn Improvement Act 1882 (in this Act called "the Act of 1882") the mayor aldermen and burgesses of the borough of Blackburn (in this Act called "the Corporation") were authorised to construct tramways:

And whereas it is expedient that the Corporation be empowered to construct lay down and maintain additional tramways and to construct and make the new street and street improvements in this Act described:

And whereas upwards of one half of the tramways authorised by the Act of 1882 has been constructed and the time for the construction of the remainder was extended by the Blackburn Corporation Tramways Act 1887 (herein-after called "the Act of 1887") and it is expedient that the time limited by that Act for the completion of the tramways by the Act of 1882 authorised should be further extended:

And whereas it is expedient that the Corporation be authorised to abandon the portion of their authorised undertaking in this Act described:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and the lands to be taken for the purposes thereof and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county palatine of

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Lancaster and those plans and sections and books of reference are in this Act respectively referred to as "the deposited plans and sections and books of reference":

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

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

Short title.

1. This Act may for all purposes be cited as the Blackburn Corporation Tramways Act 1888.

Incorporation of Acts.

2. The following Acts and parts of Acts namely the Lands Clauses Consolidation Acts 1845 1860 and 1869 (in this Act collectively called "the Lands Clauses Acts") section 3 (interpretation of terms) section 19 (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 so far as the same respectively are applicable to and are not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Act of 1882 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the tramways" means the tramways by this Act authorised or any part thereof;

The expression "the tramway undertaking" means the tramways and tramways undertaking authorised by the Act of 1882.

Power to make tramways.

4. Subject to the provisions of this Act the Corporation may make form lay down work and maintain the tramways herein-after 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 sleepers junctions turntables turnovers passing places stables carriage houses sheds works points crossings and conveniences connected therewith The tramways herein-before referred to and authorised by this Act are as follows (that is to say):—

Tramway No. 11.—1 furlong 3·9 chains or thereabouts in length of which 1 furlong 0·9 chain will be single and 3 chains will be double line wholly in the parish of Blackburn commencing by a

junction with the existing tramways of the Corporation in Penny Street Blackburn at a point 0·40 chain or thereabouts north-east of the intersection of Larkhill Street thence passing by a curve in a south-easterly direction along Larkhill Street into and along Quarry Street and Eanam and terminating in Eanam by a junction with the existing tramways of the Corporation at a point 0·80 chain or thereabouts east of the intersection of Syke Street;

Tramway No. 12 (single line) 6·95 chains or thereabouts in length wholly in the parish of Blackburn commencing in St. Peter's Street Blackburn by a junction with Tramway No. 1 (authorised by the Act of 1882) at a point distant 2·30 chains or thereabouts from the point of commencement of that tramway and passing thence into and southwardly along Back Lane and thence into and eastwardly along Mill Lane and thence across Darwen Street and into and along Jubilee Street and terminating in that street by a junction with Tramway No. 5 authorised by the Act of 1882 at the point where Tramway No. 5A authorised by that Act forms a junction with the said Tramway No. 5;

Tramway No. 13.—5·75 chains or thereabouts in length of which 2·75 chains will be single and 3 chains will be double line wholly in the parish of Blackburn commencing in Ainsworth Street Blackburn by a junction with Tramway No. 9 authorised by the Act of 1882 at a point 0·50 chain or thereabouts south of the intersection of Richmond Terrace thence passing in a northerly direction along Ainsworth Street and along the proposed new street (No. 1) herein-after described into and along Regent Street and terminating in that street by a junction with Tramway No. 8 authorised by the Act of 1882 at a point 1·80 chains or thereabouts east of the intersection of Butler Street Provided that the Corporation may if they shall think fit construct such tramway as a single line throughout.

5. Where any of the tramways cross on the level the existing line of the Blackburn and Over Darwen Tramways Company the following provisions for the protection of the Blackburn and Over Darwen Tramways Company shall apply and have effect (that is to say):—

(1.) The Corporation shall give seven days notice in writing to the Blackburn and Over Darwen Tramways Company of their intention to commence any works which affect or in anywise interfere with the structural works of the said Blackburn and Over Darwen tramways and all such crossings shall be made to the reasonable satisfaction of the engineer for the time being of the Blackburn and Over Darwen Tramways Company

For the protection of the Blackburn and Over Darwen Tramways Company.

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and at the cost of the Corporation and so as to interfere as little as may be with the traffic passing over or along the said Blackburn and Over Darwen tramways ;

- (2.) The tramways authorised by this Act shall not be so worked or used as to cause any interruption or impediment to the traffic on the said Blackburn and Over Darwen tramways or the use thereof and particularly (but without prejudice to the generality of this provision) the Corporation shall not cross or permit to be crossed any of the Blackburn and Over Darwen tramways while any carriage or tramcar is passing or about to pass over the same at or near any such crossing as aforesaid and with the object of preventing accidents the carriages running on any of the tramways authorised by this Act shall stop immediately before crossing the said Blackburn and Over Darwen tramways at any point ;
- (3.) If any difference arises between the Corporation and the Blackburn and Over Darwen Tramways Company with respect to any of the provisions of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Correction of errors as to lands.

6. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and books of reference be discovered the following provisions shall have effect (that is to say) :—

- (1.) The Corporation may apply to two justices assembled and acting together for the correction thereof giving ten days notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction ;
- (2.) If it appears to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description ;
- (3.) The certificate shall be deposited with the clerk of the peace for the county of Lancaster who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and books of reference ;
- (4.) Thereupon the deposited plans and books of reference shall be deemed to be corrected according to the certificate and the Corporation may enter on take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description ;

(5.) A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction. A.D. 1888.

7. Subject to the provisions of this Act the Corporation may make and maintain the new street and street improvements hereinafter mentioned and shown on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections and for those purposes may enter upon purchase take and use such of the said lands delineated on the deposited plans and described in the deposited books of reference as shall be necessary for such works and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto (that is to say):—

Power to make street improvements.

(1.) A new street not less than thirty-six feet in width wholly situate in the township of Blackburn commencing on the north side of James Street immediately opposite the north end of Ainsworth Street and terminating by a junction with the south side of Regent Street;

(2.) A widening wholly situate in the township of Blackburn of the eastern side of Ainsworth Street from James Street to a point 2.65 chains or thereabouts north of the north side of Union Street.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of the new street and street improvements shall not be exercised after the expiration of two years after the passing of this Act. Compulsory purchase of lands.

9. The new street and street improvements shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

10. In the construction of the new street and street improvements the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans. Deviation.

11. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connection with the new street and street improvements authorised by this Act and Power to make subsidiary works.

A.D. 1888. — for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said new street and street improvements or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new or improved streets or any of them or of crossing under or over the same or otherwise and may alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that in the exercise of any such powers the Corporation shall do as little damage as may be and that the provisions of section 308 of the Public Health Act 1875 (compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps, areas, pipes, &c.

12. The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and channels pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit Provided that the provisions of section 308 of the Public Health Act 1875 (compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to set out carriage-way and footway.

13. The Corporation may cause such part of the new street and such part of the streets improved by them under the provisions of this Act to be laid out for a carriage-way and footway respectively as they think proper.

Power to sell materials.

14. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this Act.

Application of moneys from sale, &c. of lands.

15. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed

and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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16. The sites of all houses and all lands purchased by the Corporation under the powers of this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the existing streets are for the time being by law maintained repaired and kept in order.

Lands laid into new streets to be public highways.

17. And whereas in the construction of the street improvement authorised by or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain properties.

18. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either

Provisions respecting houses occupied by labouring class.

A.D. 1888. wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

New street to be made before Tramway No. 13 constructed.

19. Tramway No. 13 authorised by this Act shall notwithstanding anything in this Act contained not be constructed by the Corporation until the new street No. 1 authorised by this Act has been constructed and such Tramway No. 13 shall be so laid and made in the said new street as that a space of at least nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway on either side of the said new street No. 1 throughout its entire length.

Gauge and mode of formation of tramways.

20. Every tramway to be made formed or laid down under the powers of this Act shall be constructed on a gauge of four feet Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways and tramway undertaking Provided also that the carriages to be used on the said tramways and tramway undertaking shall not extend beyond the outer edge of the wheels of such carriages more than thirteen and a half inches on each side.

Tramways not to be opened until certified by Board of Trade.

21. No part of the tramways shall be opened for public traffic until the same has been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant secretary of the said Board to be fit for such traffic.

Period for completion of tramways.

22. If the tramways except Tramway No. 13 by this Act authorised be not completed within two years from the passing of this Act and with regard to Tramway No. 13 if it be not completed within two years from the completion of the new street No. 1 as herein-before mentioned then on the expiration of those respective periods the powers by this Act granted for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Tramways to form part of existing tramway undertaking.

23. Subject to the provisions of this Act the tramways shall form part of the tramway undertaking and the Corporation their lessees or licensees may in respect thereof exercise and enjoy from

time to time all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to the tramway undertaking.

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24. No steam power shall be used upon Tramway No. 12 by this Act authorised so long as the width of the roads between the footways is less than twenty-five feet nor without the consent of the Board of Trade.

Steam not to be used on Tramway No. 12 except on certain conditions.

25. The Corporation their lessees or licensees may demand and take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds as they are by the Act of 1882 authorised to demand and take in respect of the tramway undertaking.

Applying provisions of Act of 1882 as to tolls, &c.

26. The Corporation may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may be authorised to raise under the Act of 1882 for tramways and works connected therewith and which may not be required for the purposes of that Act and all moneys applied towards any of the purposes of this Act shall be discharged in the prescribed method referred to in section 274 of the Act of 1882 and within a period not exceeding thirty years.

Power to apply existing funds.

27. The time limited by the Act of 1887 for the completion of so much of the tramways by the Act of 1882 authorised except so much of Tramway No. 1 by the last-mentioned Act authorised as is situate between the commencement of that tramway and the commencement of Tramway No. 12 by this Act authorised as are not already completed is hereby extended and the powers of the Corporation for that purpose may be exercised for a period of one year from the eighteenth day of August one thousand eight hundred and eighty-eight and on the expiration of that period the powers for making and completing the same tramways or otherwise in relation thereto shall cease except as to so much of the said tramways as is then completed.

Extension of time for completion of tramways of 1882.

28. The Corporation may abandon and relinquish the construction of take up and remove the following portion of the tramway undertaking (that is to say):—

Abandonment of portion of authorised undertaking.

- (1.) So much of Tramway No. 7 authorised by the Act of 1882 as is south-east of a point 0·40 chain or thereabouts south-east of the intersection of Larkhill Street and Penny Street;

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(2.) All or any such works and conveniences connected therewith respectively.

Provisions as
to general
Acts.

29. Notwithstanding anything in this Act contained the Corporation and any corporation local board company or person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future Session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the Act of 1882 and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

SCHEDULE referred to in the foregoing Act.

A.D. 1888.

LANDS BUILDINGS and MANUFACTORIES parts only of which
may be taken.

| Parish. | Number on deposited Plans. |
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| STREET IMPROVEMENTS. | |
| Blackburn - - - - | 1, 2. |

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