



CHAPTER ccxiv.

An Act for empowering the Rossendale Valley Tramways Company to construct new Tramways and for other purposes.

A.D. 1889.

[30th August 1889.]

WHEREAS by the Rossendale Valley Tramways Act 1888 (herein-after referred to as the Act of 1888) the Rossendale Valley Tramways Company (herein-after called the Company) was incorporated and was authorised to construct certain tramways in the county of Lancaster :

And whereas the authorised capital of the Company is eighty thousand pounds :

And whereas the Company has not exercised its borrowing powers under the Act of 1888 :

And whereas the Company has constructed and opened for traffic two miles and twenty-seven chains of its authorised line and is now constructing about four miles of the remaining portion of its authorised line :

And whereas the tramways and works in this Act described would be of public and local advantage and it is expedient that the Company should be authorised to construct and execute the same and to raise further capital for that purpose :

And whereas it is expedient that the Company should be authorised to acquire certain lands for the purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the proposed tramways and plans of the lands to be taken under the powers of this Act with a book of reference to those plans have been deposited with the clerk of the peace for the county of Lancaster which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas it is expedient that the Company should be authorised to propel the carriages upon their tramways by electricity

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And whereas the purposes aforesaid 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 :—

Short title. 1. This Act may be cited as the *Rossendale Valley Tramways (Burnley Extension) Act 1889*.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) 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 non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings unless there

be something in the subject or context repugnant to such construction : A.D. 1889.

The expression "the tramways" or "the tramway" shall mean the tramways and works by this Act authorised ;

The expression "the undertaking" shall mean the undertaking of the Company as authorised by the Act of 1888 and this Act ;

The expression "the Order of 1882" shall mean the Manchester Bury and Rochdale Tramways (Extensions) Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882 ;

For the purposes of this Act the word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall be construed to include the contingency of the undertaking being sold to the local authority under section forty-three of the Tramways Act 1870 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 and in any Act wholly or in part incorporated herewith shall for the purposes of this Act 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.

4. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections and in accordance with those plans and sections the tramways herein-after described with all needful and proper rails plates sleepers chairs weighbridges weighing machines works and conveniences connected therewith or incidental thereto : Power to
make tram-
ways.

The tramways herein-before referred to and authorised by this Act will be situate in the parish of Whalley in the county of Lancaster in the district of the local board of health of Rawten-stall and the districts or townships of Dunnockshaw Hapton and Habergham Eaves and in the borough of Burnley and are :—

Tramway No. 1.—Six miles four furlongs two chains and 0·20 of a chain in length of which five miles three furlongs five chains and 0·20 of a chain is single line and one mile and seven chains is double line commencing in the Burnley and

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Edenfield Road otherwise King Street Rawtenstall by a junction with the Company's authorised tramways at or near the "White Lion Inn" thence passing along the Burnley and Edenfield Road South Parade and Market Street otherwise Manchester Road and terminating in Manchester Road at a point in that road bounded by a straight line drawn across the said road from the east corner of the house numbered 37 in that road and now occupied by Mr. Cunningham watchmaker to the north corner of the house numbered 36 in that road and now occupied as a wine and spirit store by Mr. Haslam.

Tramway No. 2.—One furlong one chain and a half in length of which eight chains and a half is single line and three chains is double line commencing in Bank Street Rawtenstall by a junction with the Company's authorised tramway at or near the end of the New Church Lower Road passing thence into and along the Burnley and Edenfield Road and terminating in that road at a point about 0·25 chain distant from the railway gates at the level crossing over the Lancashire and Yorkshire Railway (north side).

New works.

5. The Company shall make the following works in the parish of Whalley and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

Widen the west side of the Burnley and Edenfield Road from the intersection of Co-operation Street to a point one chain north of Bon-fire Hill Road in the district of the local board of health of Rawtenstall and (except with the consent of the Board of Trade and the road authority) the tramway between the same points shall not be opened for traffic until such widening or such part thereof as the Board of Trade may require shall have been completed.

Tramways to form part of undertaking.

6. The tramways by this Act authorised shall for all purposes be part of the tramways of the Company and the Company may exercise with reference to the tramways hereby authorised all the powers rights and privileges given to and shall be subject to all the conditions restrictions and liabilities imposed upon them by the Act of 1888 with respect to the tramways the subject of such last-mentioned Act as if such rights powers and privileges conditions restrictions and liabilities were herein fully expressed and repeated except so far as such conditions restrictions and liabilities are herein varied or repealed.

7. It shall be lawful for the Company with the consent in writing of the Burnley Corporation under their common seal and subject to such terms conditions and regulations as the corporation may from time to time prescribe to supplement locomotive power between Healey Wood Road and Saunder Bank by means of a cable or rope which shall be laid constructed and maintained upon the best and most approved principle and in the best manner and so as not to interfere in any way with the street traffic and such cable or rope shall be laid constructed and at all times maintained and repaired subject to the supervision of the Burnley Corporation and to their reasonable satisfaction. The use of mechanical power on the tramways hereby authorised shall be subject to the conditions in that behalf contained in the Order of 1882 and the schedule to such Order respectively. Save and except as in this section mentioned the Company shall not use on the tramways within the district of the borough of Burnley any mechanical power other than locomotive steam engines without the consent in writing of the Burnley Corporation.

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—
Cable or
rope haulage
in certain
points.

8. The Company shall at their own expense and to the reasonable satisfaction of the surveyors of the township of Habergham Eaves alter the carriageway of the Burnley and Edenfield Road immediately to the north of the Waggoners Inn and for a distance of one hundred yards or thereabouts to a depth of two feet at the highest point and shall re-construct and make up such carriageway to as good a condition as that in which it now is.

Company to
lower car-
riageway in
certain
points.

The Company shall also at their expense and to the like satisfaction lower the carriageway of the said road at Higher Oaken Eaves for a distance of 50 yards or thereabouts on each side of the barn door of the farm house at Higher Oaken Eaves to a depth of fifteen inches at the highest point of such road and shall re-construct and make up such carriageway to as good a condition as that in which it now is.

For the purpose of this section the carriageway shall be taken to mean the part of such road now constructed and used for vehicular traffic.

The corporation of Burnley shall at their own expense and to the reasonable satisfaction of the said surveyors and contemporaneously with the alteration by the Company of the carriageway of the said road lower the footpath on the west side of such road and re-construct the same to correspond with the alterations effected by the Company in the carriageway and shall make good all adjoining walls fences and approaches.

Corporation
of Burnley
to lower
footpath.

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Corporation
of Burnley
to kerb and
channel road.

The corporation of Burnley shall also at the like expense and to the like satisfaction kerb and channel the road and footpath on the west side of such road with a curb 12 inches by 6 inches and a channel 12 inches by 6 inches for a distance corresponding with the two alterations to be effected by the Company as above described and also opposite every passing place shown on the deposited plans within that portion of the said township of Habergham Eaves which is not within the borough of Burnley for the full length of such passing places respectively.

The Company shall pay to the corporation of Burnley on the completion of the said works the sum of one hundred and eight pounds.

Power to
raise addi-
tional capital.

9. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding sixty 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 or either of these modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof. Provided that no preference shares or stock shall be issued until fifty thousand pounds of the original capital of the Company has been subscribed and four fifths thereof paid up nor shall the amount of the preference shares or stock of the Company at any time issued exceed one half of the amount of the ordinary shares or stock of the Company for the time being subscribed.

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

10. 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 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.

11. 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.

12. 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.

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

Power to
borrow.

13. Section 10 of the Act of 1888 is hereby repealed and in lieu thereof the Company may from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole thirty-five thousand pounds and of that sum they may borrow any sums not exceeding in the whole five thousand pounds in respect of each twenty thousand pounds of their share capital but no part of any such sum of five thousand pounds shall be borrowed until the portion of capital in respect of which the borrowing power is to be exercised 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 such portion of 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 or the whole of the stock in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of 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 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 shall be sufficient evidence thereof.

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

For appoint-
ment of a
receiver.

15. All moneys after the passing of this Act to be borrowed on mortgage under the Act of 1888 or 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

Moneys bor-
rowed on
mortgage to
have priority.

A.D. 1889. engagements entered into or to be entered into by them after the passing of this Act 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 tramways or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

16. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

18. 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 tramways or the tramway undertaking in the event of their being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Application of moneys.

19. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable.

Power to apply corporate funds to purposes of Act.

20. The Company may apply to the purposes of this Act or to the general purposes of their undertaking being in every case purposes to which capital is properly applicable any of the moneys which they have now in their hands or which they have power to raise by shares or mortgage by virtue of the Act of 1888 and which may not be required for the purposes to which they are by that Act made specially applicable.

For protection of local and road authorities.

21. The following provisions shall have effect with reference to the construction and maintenance of the tramways in addition to all other provisions of this Act in which any local or road authority affected thereby is referred to or mentioned by name:—

As to length of passing places.

1. Every passing place shall be 66 yards in length and should the road authority require any passing place to exceed that length they shall give notice to that effect to the Company at a reasonable time after the deposit of the working drawings herein-after mentioned and before the works shall have been commenced and thereupon the Company shall construct such passing place of such reasonable length as the road authority shall direct and the Board of Trade approve.

2. One month at least before any roads are broken up for the purpose of constructing any of the tramways the Company shall give notice to the road authority and such notice shall be accompanied by proper working plans and drawings and a specification showing the manner in which the Company propose to make form and pave the line of road and the materials which they propose to use and the work shall not be commenced or undertaken until the road authority have approved of the mode in which it is to be done and of the materials to be used. Provided that unless the road authority give the Company notice in writing expressing their non-approval of such specification within one month from the delivery of such notice the Company shall be at liberty to assume that such approval is given and such approval shall in no case be unreasonably withheld and the Company shall alter the specification and drawings and carry out the works subject to the provisions of this Act in such manner and subject to such alterations (if any) in such plans drawings specification and materials as the road authority may reasonably require and the Board of Trade may approve.

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One month's notice to be given to road authority before breaking up roads.

3. The rails of which any of the tramways shall for the time being consist shall be of a weight of not less than 85 to 88 pounds per yard as the road authority shall direct and the Company shall at all times and in such manner as the road authority shall direct and to their satisfaction maintain such rails and the substructure upon which the same rest and keep them in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic and if the Company at any time make default in complying with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall (without prejudice to the enforcement in any manner of the other requirements of this Act or to any other remedy against the Company) for every such offence be subject on information laid or complaint made to a penalty not exceeding two pounds and in case of a continuing offence to a further penalty not exceeding two pounds for every day after the first on which such default continues after seven days previous notice shall have been given or left at the office of the Company by the clerk or surveyor for the time being of the road authority and such penalty shall be a penalty within the meaning of section 56 of the said Act of 1870.

Tramway rails to be of certain weight and rails and road to be kept in good condition and penalty for default.

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Company to
pave portion
of road
repairable by
them with
setts of
specified size
and material.

Road
authority in
certain
events may
pave.

Deviation
from centre
of the road
in certain
cases.

Company not
to stop
ordinary
traffic except
with consent.

Injury to
footpaths
and buildings
to be borne

4. The portion of the road required by section 28 of the Tramways Act 1870 to be constructed maintained and kept in good repair by the Company shall not be deemed to be so constructed maintained and kept unless (subject to the approval of the Board of Trade) it is paved and maintained by the Company with granite setts of such quality and from such quarry or quarries and of such depth (not exceeding five inches) grouted in pitch and creosote oils as the road authority may reasonably direct and approve.
5. If at any time during the construction of the tramways the Company make any default in paving such portion of any road in which any of the tramways are being laid as under this Act the Company are bound to pave the road authority may give notice in writing to the Company of such default and if at the expiration of seven days from the giving of such notice the Company fail to commence the necessary works to remedy such default or having so commenced shall not prosecute the same to completion with all reasonable despatch the road authority may execute such works at the same time as or forthwith after such tramway shall be laid on such road and the costs and expenses incurred by the road authority in so doing shall be paid by the Company to the road authority and the Company shall be solely liable for all damage that may arise in consequence or as the result of anything done under this sub-section.
6. Subject to the approval of the Board of Trade where any part of any of the tramways if constructed according to the deposited plans and sections would be so laid that a less space than 9 feet 6 inches would intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway the Company shall if required by the road authority deviate from the deposited plans and the deposited sections and construct such part of such tramway in such position in the road as the road authority shall in writing direct.
7. The Company shall not in the construction alteration or relaying of any of the tramways stop up or interfere with any road so as to prevent the passage of traffic along such road except with the previous consent in writing of the road authority.

8. If by reason of the construction of the tramways according to the levels shown on the deposited sections any alteration is

rendered necessary in the level of any of the streets or roads or in the levels of the footways of such streets or roads the expense of making such alteration and of the making good the roadways on either side of the tramway and all damage to any building or land by reason of such alteration shall be borne and paid by the Company.

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by Company
in certain
cases.

9. The several provisions herein contained for the protection of the road authority and of any sewers pipes and apparatus shall not be deemed to supersede or dispense with the provisions of sections 26 to 33 both inclusive of the Tramways Act 1870 but those provisions respectively (except in so far as they may be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect.
10. Sections 30 32 and 33 of the Tramways Act 1870 shall extend and apply to the local and road authority of any district with reference to the pipes and apparatus belonging to them or either of them in like manner and to the like extent as the same apply to a company or person being the owner of gas and water mains or pipes tubes wires or apparatus Provided that all works or interference under the 30th section of the Tramways Act 1870 or otherwise with or in connexion with such pipes and apparatus shall if the local or road authority as the case may be shall so require be made or executed by the local or road authority as the case may be but at the cost of the Company.
11. Sub-sections 2 3 and 4 of section 26 of the Tramways Act 1870 shall extend and apply to the works referred to in sections 27 and 28 of the said Act and to all other works of every description affecting any sewer pipes or apparatus or other works or property of or under the control or jurisdiction of the local or road authority.
12. If in the construction of the tramways the Company shall interfere with the line of any sewers proposed to be made in such manner that it shall by reason of such interference become necessary for the local or road authority to construct manholes side entrances ventilators or other works in connexion with such proposed line of sewers the cost and expense incurred by such authority in constructing such manholes side entrances ventilators or other works shall on demand be paid by the Company to such authority and the said authority may recover the same from the Company in a summary manner as if the same were a penalty recoverable under section 56 of the Tramways Act 1870.

Provisions of
this Act not
to supersede
provisions of
sections 26
to 33 of the
Tramways
Act 1870.

Provisions as
to gas and
water com-
panies to ex-
tend to road
authority.

Extension of
section 26 of
Tramways
Act 1870.

Interference
with line of
proposed
sewers.

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Removal &c.
of mains &c.
to be effected
by road
authority at
cost of Com-
pany.

13. Whenever the Company desire under the authority of this Act to do any act which may render necessary the alteration removal or displacement of any sewers pipes or apparatus or works belonging to or under the control of the local or road authority the Company shall give to such authority fourteen days notice in writing of such desire and such authority shall thereupon forthwith but without prejudice to the protection afforded to them by the Tramways Act 1870 make such alteration displacement or removal as the case may be and do all work incidental thereto and all expenses that may be incurred by such authority shall be defrayed by the Company and may be recovered by such authority in a summary manner and as if such expenses were a penalty recoverable under section 56 of the Tramways Act 1870.

Road
authority to
have access
to sewers &c.

14. The local and road authority or either of them their and either of their officers and servants shall at all times have free access to and communication with all existing and future sewers pipes apparatus and other works in connexion with any sewers or roads Provided always that if at any time after the passing of this Act any such sewers or any other works of or belonging to or under the control of any such authority shall be or become injured or damaged or otherwise affected by reason or in consequence of any act deed matter or thing of or done or committed by or belonging to the Company or their agents or servants it shall be lawful for any such authority whose sewers or works shall be so injured damaged or otherwise affected immediately thereupon or at any time thereafter at the cost expense and risk of the Company to do what they shall respectively deem reasonably necessary in order to the thorough and efficient reinstatement of such sewer drain or other work as aforesaid and if the Company shall not on demand pay the said authority the cost and expense incurred by them the said authority may recover the same from the Company in a summary manner and as if the same were a penalty recoverable under section 56 of the Tramways Act 1870.

Road
authority
not to be
responsible
for subsi-
dence.

15. The local or road authority as the case may be shall not be responsible to the Company for any damage the Company may sustain by reason of their having to repair or relay their lines of tramway from time to time in consequence of the ground slipping or subsiding after or during the construction laying or relaying of any sewer pipes or apparatus or other work or after the ground above the same shall have

been filled in all of which damage shall be borne by the Company but in such construction or laying and in filling in the local or road authority as the case may be shall proceed with all reasonable care and despatch.

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16. The local or road authority as the case may be shall not be liable to the Company for and the Company shall save harmless every such authority against any loss by reason of suspension of traffic or any accidents damages or injuries either to the tramways works and property of the Company or to the persons and property being conveyed on or using the same and against all actions suits and costs in respect thereof which may either during the progress of the works of the Company or at any time thereafter be caused by the bursting breaking or leakage of or from any sewer or by any leakage or escape from any mains pipes or apparatus of the local or road authority crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company unless such damages accidents or injuries arise as the consequence of any wilful act or default of the local or road authority as the case may be the intention of this section being that no such authority shall by reason of the construction existence or use of the tramways be liable to any greater extent than they might be liable if such tramways were not in construction existence or use Provided always that the Company shall not nor shall their lessees be liable for any damages claims or demands to which any such authority would be liable if the tramways were not in existence or use or if works in connexion therewith were not for the time being in progress.

Company to save harmless the road authority from accidents &c. caused by escape of gas or water &c.

17. If at any time it shall appear to the road authority desirable that any of the tramways or any part thereof should be permanently removed the road authority may with the approval of the Board of Trade permanently remove the same at any time after the expiration of six months notice given by the road authority to the Company upon paying or making to the Company such compensation as in case of difference between the parties shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned Provided always that if the Company object to such removal the matter shall be referred to and settled by the Board of Trade And provided also that nothing in this sub-section shall empower the road authority without the consent of the

Removal of tramways by road authority.

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Company to
be solely
responsible
for mainte-
nance of
tramways.

Road
authority
may make
regulations
as to use of
bell whistle
&c.

Road
authority
may stop
traffic in
certain cases.

Penalty for
default of the
Company in
working
tramways.

Board of Trade permanently to break or interfere with the continuity of the said tramways. Provided also that the Company shall not at any time be entitled to claim compensation in respect of any temporary interference with the continuity of the tramways.

18. The sole responsibility of maintaining and working the tramways free from damage or accident shall rest with the Company and they shall have no claim whatever for any damage or interruption of the traffic which may arise from any works executed or to be executed by the local or road authority or from the use of any implements or materials used in the execution or maintenance thereof or by reason of any accident which may happen to any road under the control of the road authority except where such damage or interruption of traffic results from wilful negligence in the execution of such works or in the use of such implements or materials.
19. The use of the bell whistle or other warning apparatus upon the tramways under the provisions of this Act shall be subject to any regulations which subject to this Act or to any regulations made by the Board of Trade under the provisions of this Act the road authority may make and which they are hereby respectively authorised to make subject as aforesaid with respect to such use on the tramways.
20. The local or road authority may if and when they think fit by notice in writing direct the Company at any time after the expiration of twenty-four hours from the service of such notice to stop delay or suspend the working of the tramways for the purpose of facilitating traffic during the holding of any special markets or fairs during the time of any public meeting procession or demonstration or during such time as in the opinion of the road authority the roads or streets upon which the tramways are laid are likely to be more than usually thronged or crowded. Provided always that such stopping delay or suspension shall continue so long only as may be reasonably necessary for the purposes aforesaid or any of them and the Company shall not have any claim for compensation in respect thereof.
21. If the Company discontinue working the traffic upon any of the tramways for the space of one week except where such discontinuance may be necessary for the repair of the tramways they shall be liable to pay to the road authority a penalty of two pounds a day for every day on which they

- discontinue working such traffic Provided always that the Company shall not be liable to any such penalty if the discontinuance to work the tramways arises from any act of the road authority or their officers or from accident or any other circumstance over which the Company has no control. A.D. 1889.
22. No tramway car shall be allowed to remain stationary or stop for the purpose of taking up passengers animals goods minerals or parcels or for any other purpose whatsoever in the line of any road crossing. Tramway cars not to be stopped at certain places.
23. All the carriages to be used by the Company for the conveyance of traffic on the tramways shall be kept in good repair and condition to the reasonable satisfaction of the local or road authority No passenger carriages coupled together shall be used upon the tramways if the local or road authority object to such user. Restrictions and provisions as to carriages.
24. Between sunset and sunrise and during the continuance of fog the Company shall fix and maintain one coloured light at least in front of each carriage or of the first of two or more carriages coupled together or of each engine and one coloured light at least at the rear of such carriage or the last of such carriages. Lights on carriages after sunset.
25. The Company shall not on any pretence without the previous consent in writing of the road authority use salt or any mixture of salt for the purpose of melting or removing snow or ice from the tramway track. As to removal of snow and ice.
26. Notwithstanding anything contained in this Act or in the recited Act and the Order of 1882 respectively the fares charged by the Company to any passenger travelling upon any of the tramways or any part thereof shall not exceed one penny per mile and for the purposes of this sub-section convenient stages shall be arranged between the road authority and the Company which in default of agreement shall be determined by the Board of Trade between the parties so as to meet the convenience of the public Provided that with respect to the tramways within the district of the borough of Burnley the commencement of the one penny stage shall be reckoned from the termination of Tramway No. 1 Provided also that the Company shall not be compelled to take any lower fare than twopence for an inside passenger within the said district. As to 1d. stages.
27. The local and road authority at such times between the hours of eleven at night and five in the morning as they shall Road authority may use

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tramways for
certain pur-
poses during
certain hours.

Certain ex-
penses of
road autho-
rity to be
borne by
Company.

Recovery of
money.

Saving rights
of the road
authority.

Saving cer-
tain rights
under roads.

As to levels
of tramways.

think fit may use the tramways for the conveyance of night soil dung manure ashes rubbish filth and other refuse scavenging stuff and road metal required for their existing works or roads free of all tolls and charges whatsoever and for this object may if authorised to do so without payment to the Company therefor connect branch lines with the lines of the Company at such points as such authority may from time to time deem expedient Provided always that the said authority shall not for such purposes use steam or any mechanical power on the tramways.

28. The Company shall on demand repay to the local and road authority or either of them as the case may be all reasonable charges and expenses incurred by such authority for the supervision and inspection of any work done or to be done by the Company in connexion with the tramways and the respective authorities are hereby authorised to order such supervision and inspection of the works as they may deem proper.

29. All and singular the sums and sum of money by this Act provided to be paid by the Company to the local or road authority or either of such authorities as the case may be may (except as is by this Act otherwise provided) be recovered by the respective authorities in a summary manner and as if the same were penalties recoverable under section 56 of the Tramways Act 1870.

30. Except as herein is otherwise expressly provided nothing herein contained shall take away lessen prejudice or alter any of the estates rights interests powers or authorities of or belonging to any local or road authority but the local or road authority may have use exercise and enjoy all such estates rights interests powers and authorities as fully freely and effectually in all respects as they could or might have done if this Act had not been passed.

31. Nothing in this Act shall prejudice or interfere with any rights of any person being the owner lessee or occupier of any subway tunnel pipe or shafting constructed or laid under any road crossed by any of the tramways and the provisions of section 32 (rights of authorities and companies &c. to open roads) of the Tramways Act 1870 shall extend and apply to and have relation to all such subways tunnels pipes and shafting.

32. The levels at which the tramways are to be constructed shall be decided by the road authority and any expense in the

construction of the tramways over and above that which would have been incurred by the Company in following the levels shown on the deposited plans and rendered necessary by such decision shall be borne by the Company. Provided that if by reason of any such alterations of levels any buildings or land be injuriously affected the compensation (if any) payable therefor shall be paid by the road authority who shall also execute at their own cost all works rendered necessary by such alteration of levels not forming an integral part of the construction of the tramways.

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22. For the protection of the mayor aldermen and burgesses of the borough of Burnley in the county of Lancaster (in this section herein-after referred to as "the Burnley Corporation") the following provisions (in addition to all other provisions of this Act in which the Burnley Corporation is referred to by implication as the local or road authority or is mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the borough of Burnley (in this section herein-after referred to as "the Burnley tramways") :—

For protection of the borough of Burnley.

1. Section 27 of the Order of 1882 shall not apply to the Burnley tramways but in lieu thereof any metalling or material excavated by the Company in the construction of the Burnley tramways from any road whereon the same are authorised to be constructed may be used or applied by the Company as far as may be necessary in or towards the construction of the Burnley tramways or works connected therewith and the maintenance thereof for six months after completion and in or towards the reinstating and maintenance for the period aforesaid of the road or of so much thereof on either side of the Burnley tramways as the Company are required to maintain and the Company shall remove the surplus metalling or material not used or required to be used for the purposes aforesaid to such place or places as the surveyor for the time being of the Burnley Corporation shall direct and determine such place or places to be provided by the said corporation and not to exceed a distance of one mile from the site of the works where such material shall be then deposited. Provided always that the foregoing provisions of this sub-section shall not apply to the paving setts (if any) excavated by the Company in constructing the Burnley tramways which shall remain the absolute property of the Burnley Corporation who shall at

Application of road material excavated in constructing the Burnley tramways.

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Exemption
of Burnley
Corporation
from liability
in execution
of own
works.

their own expense pick up and cart away the same as they are excavated by the Company.

2. The Burnley Corporation may at any time hereafter construct and lay in any reasonable direction within their district any new or additional sewers pipes or other apparatus and from time to time repair alter amend and maintain any existing sewers pipes or apparatus under across or near the Burnley tramways and the Burnley Corporation shall not be liable for any damage to the Burnley tramways or loss of traffic thereon that may be caused by the execution of any of the aforesaid works at under or near to the tramways and all cost and expense occasioned by taking up removing and relaying such parts of such tramways as may be interfered with as aforesaid shall be borne and paid by the Company Provided always that the operations of the Burnley Corporation shall be so reasonably designed and carried on as to cause as little detriment or inconvenience to the tramways or the traffic thereon as circumstances will admit Provided also that all watching guarding fencing and lighting required and necessary during the construction of any works by the Burnley Corporation upon any roads whereon the tramways or any part thereof are laid shall be done and provided by the Burnley Corporation.

Additional
expenses of
Burnley
Corporation
caused by
Burnley
tramways to
be borne by
the Com-
pany.

3. Any additional expenses imposed upon the Burnley Corporation by reason of the construction or existence of the Burnley tramways in any road or place where any sewers drains pipes tubes wires or apparatus under the control of the Burnley Corporation shall now or at any time hereafter exist shall be borne and paid by the Company provided that such additional expenses shall not exceed three hundred and fifty pounds in the whole.

Burnley
board may
maintain
parts of roads
maintainable
&c. by Com-
pany.

4. The Burnley Corporation may at any time and from time to time take upon themselves the repairing maintaining or repaving of such portions of any road whereon any of the Burnley tramways are laid as under this Act the Company are bound to repair or maintain for the whole or part of the length of the tramway laid upon such road and that notwithstanding that the Company may have theretofore repaired or maintained the same or any part thereof Provided that the Burnley Corporation shall by notice in writing to the Company state when they intend to take upon themselves such repairing and maintaining or repaving and if the Burnley Corporation shall give such notice they shall

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execute such repairs maintenance or repaving from and after the time and for the period mentioned in that behalf in such notice and the Company shall on demand repay to the Burnley Corporation the nett expenses incurred by them in repairing maintaining and repaving such portions of any such roads together with five pounds per centum upon such nett expenses and the amount of such nett expenses shall be the amount from time to time certified by the engineer of the Burnley Corporation.

5. The passing place opposite Halstead Street shown on the deposited plans which is to be shifted as described in section 25 sub-section 1 shall be four chains in length and the Company shall construct the same accordingly. Passing place opposite Halstead Street to be four chains in length.
6. If at any time after the passing of this Act the Burnley Corporation shall at their own cost and expense acquire all necessary property rights and easements for and shall widen the bridge over the Leeds and Liverpool Canal in the Manchester Road Burnley by increasing the width of the present carriageway to an extent not less than 4 feet the Company shall immediately on the completion of such widening and the works connected therewith pay to the corporation of Burnley the sum of two hundred and fifty pounds. Company to contribute to widening of bridge over Leeds and Liverpool Canal.
7. If the Burnley Corporation shall at their own expense and contemporaneously with the construction by the Company of the Burnley tramways pave with granite setts of the same description as those used by the Company 1,000 superficial yards of the road adjoining the portion of the road maintainable by the Company at such points and in such position or positions as the corporation may deem expedient the Company shall on demand pay to the Burnley Corporation the sum of three hundred and ninety-two pounds Provided that if the Burnley Corporation shall pave any smaller area the Company shall pay for such smaller area only in the proportion which such smaller area bears to the 1,000 superficial yards above mentioned Provided also that nothing in this Act contained shall impose upon the Company any liability to repair and maintain any greater width of road than is specified in section 28 of the Tramways Act 1870. Company to contribute to cost of paving road by corporation.
8. The provisions of this section shall be in addition to and not in diminution or derogation of the rights and privileges of the Burnley Corporation as local or road authority under any of the provisions of this or any other Act of Parliament. Saving rights of Burnley Corporation.

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Provisions to
extend to
extension of
borough.

9. If the boundaries of the existing borough shall be extended so as to comprise any portion of the road whereon the said tramway is proposed to be laid which is not within the existing borough of Burnley the provisions of this section shall apply to such portion of road in the same manner and to the same extent as if it had been comprised in the existing borough at the date of the passing of this Act.

For protec-
tion of the
Rawtenstall
Local Board.

23. For the protection of the local board for the district of Rawtenstall in the county of Lancaster (in this section herein-after referred to as "the Rawtenstall Board") the following provisions (in addition to all other provisions of this Act in which the Rawtenstall Board is referred to by implication as the local or road authority or is mentioned by name) shall have effect with respect to the construction and maintenance of such of the tramways as are authorised to be constructed within the district of the Rawtenstall Board (in this section herein-after referred to as "the Rawtenstall Extension Tramways") :—

Extension of
security
given to
Rawtenstall
Board.

1. The sum of seven hundred and fifty pounds mentioned in the Act of 1888 section 31 sub-section (1) shall be held by the Rawtenstall Board (in addition to the purposes mentioned in such sub-section) as security to the said board for the due completion of the Rawtenstall Extension Tramways and for the repair maintenance or restoration of the road rails and sub-structure (as provided by the Tramways Act 1870 the Act of 1888 and this Act respectively) for the period of twelve months from the completion and opening for public traffic of the Rawtenstall Extension Tramways or of such part thereof as the Company may elect and the Rawtenstall Board may reasonably require the Company to construct and maintain and also as security for the payment by the Company of any additional expenses imposed upon the Rawtenstall Board as herein-after provided and such sum shall be held by the Rawtenstall Board during the construction and until the expiration of such period of twelve months and also until the completion of the sewers proposed to be laid by the Rawtenstall Board in the roads occupied by the Rawtenstall Extension Tramways and in the event of any expenses being incurred by the Rawtenstall Board in the repair maintenance or restoration of so much of any road whereon any of the Rawtenstall Extension Tramways is laid as the Company are liable to repair maintain or restore or in the repair maintenance or restoration of the rails or substructure of which any of the Rawtenstall Extension Tramways for the

time being consist during such period they shall be at liberty to provide for and pay such expenses out of the money so to be deposited as aforesaid until the amount of such expenses shall be recovered from the Company in the manner provided by this Act and upon the recovery of such amount from the Company the Rawtenstall Board shall hold the same upon the same terms and for the same purposes as they held the moneys applied in payment of the said expenses as aforesaid and as if such amount so recovered had formed part of the original deposit and if any difference arises between the Company and the Rawtenstall Board in relation to the due completion of the Rawtenstall Extension Tramways such difference shall be settled in manner provided by section 33 of the Tramways Act 1870 Provided always that during the continuance of such deposit the Rawtenstall Board shall pay to the Company such interest on the sum on deposit from time to time as the Rawtenstall Board may receive for the same.

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2. The granite setts with which the Rawtenstall Extension Tramways shall be paved shall be of the Penmaenmawr Quarry or of such similar stone (which on the gradients shall be of a non-slippery character) as the surveyor for the time being of the Rawtenstall Board may reasonably direct and approve. As to paving setts.
3. Section 27 of the Order of 1882 shall not apply to the Rawtenstall Extension Tramways but in lieu thereof any metalling or material excavated by the Company in the construction of the Rawtenstall Extension Tramways from any road whereon the same are authorised to be constructed may be used or applied by the Company as far as may be necessary in or towards the construction of the Rawtenstall Extension Tramways or works connected therewith and the maintenance thereof for six months after completion and in or towards the reinstating and maintenance for the period aforesaid of the road or of so much thereof on either side of the Rawtenstall Extension Tramways as the Company are required to maintain and the Company shall remove the surplus metalling or material not used or required to be used for the purposes aforesaid to such place or places as the surveyor for the time being of the Rawtenstall Board shall direct and determine such place or places to be provided by the said board and not to exceed a distance of one mile from the site of the works where such material shall be then deposited Application of road material excavated in the construction of the Rawtenstall tramways.

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Provided always that the foregoing provisions of this subsection shall not apply to the paving setts excavated by the Company in constructing the Rawtenstall Extension Tramways which shall remain the absolute property of the Rawtenstall Board who shall at their own expense pick up and cart away the same as they are excavated by the Company.

Rawtenstall Board may maintain &c. parts of roads maintainable &c. by Company.

4. The Rawtenstall Board may at any time and from time to time take upon themselves the repairing maintaining or repaving of such portions of any road whereon any of the Rawtenstall Extension Tramways are laid as under this Act the Company are bound to repair or maintain for the whole or any part of the length of the tramways laid upon such road and that notwithstanding that the Company may have theretofore repaired or maintained the same or any part thereof Provided that the Rawtenstall Board shall by notice in writing to the Company state when they intend to take upon themselves such repairing and maintaining or repaving and if the Rawtenstall Board shall give such notice they shall execute such repairs maintenance or repaving from and after the time and for the period mentioned in that behalf in such notice and the Company shall on demand repay to the Rawtenstall Board the nett expenses incurred by them in repairing maintaining and repaving of any such road.

Stoppage of traffic for certain purposes by Company on notice from Rawtenstall Board.

5. Whenever for the purpose of enabling them to execute any work in connexion with the line of sewers proposed to be laid or to their existing sewers or other works the Rawtenstall Board so require and shall give notice to that effect the Company shall absolutely stop the traffic on the tramway or any temporary or substituted tramway to which the notice refers when it would otherwise interfere with such work and shore up and secure such tramway at their own risk and cost during the execution of the work. Provided always that any such stoppage shall not be continued for more than seven days in any month and that such work shall always be completed by the Rawtenstall Board with all reasonable care and expedition and the Company shall not be entitled to or claim any compensation in respect of such stoppage.

Exemption of road authority from liability in execution

6. The Rawtenstall Board may at any time hereafter construct and lay in any reasonable direction within their district any new or additional sewers pipes or other apparatus and from time to time repair alter amend and maintain any existing

sewers pipes or apparatus under across or near the tramways and the Rawtenstall Board shall not be liable for any damage to the tramways or loss of traffic thereon that may be caused by the execution of any of the aforesaid works at under or near to the tramways nor for the expense of taking up removing and relaying the parts of such tramways as may be interfered with as aforesaid by the Rawtenstall Board all of which shall be done at the expense of the Company Provided always that the operations of the Rawtenstall Board shall be so reasonably designed and carried on as to interfere as little as possible with the traffic on or construction of the tramways Provided also that all watching guarding fencing and lighting required and necessary during the construction of any works by the Rawtenstall Board upon any roads whereon the tramways or any part thereof are laid shall be done and provided by the Rawtenstall Board.

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of own
works.

7. It shall be lawful for the Rawtenstall Board to exercise the powers of purchase given them by the Tramways Act 1870 at the end of any year from the passing of this Act on giving to the Company six months previous notice in writing of their intention so to do.
8. If the Rawtenstall Board exercise such right the Company shall have the right to demand a lease of the Rawtenstall Extension Tramways purchased for a term not exceeding twenty-one years and at a rent equal to the amount of interest which the Rawtenstall Board shall pay on the purchase money plus five shillings per centum per annum to cover expenses of collection.
9. Any additional expenses imposed upon the Rawtenstall Board by reason of the construction or existence of the Rawtenstall Extension Tramways in any road or place where any sewers mains pipes tubes wires or apparatus under the control of the Rawtenstall Board shall now or at any time hereafter exist shall be borne and paid by the Company provided that such additional expenses shall not exceed the sum of two hundred and fifty pounds in the whole.
10. The Rawtenstall Board will contribute and pay the sum of five hundred pounds towards the expense of the purchase of the property required for the works mentioned in section 5 sub-section (1) such sum to be provided and paid by the Rawtenstall Board on completion of the said works to the satisfaction of the said board.

Powers of
purchase by
Rawtenstall
Board.Company
empowered
to demand
lease of ex-
tension
tramways.Additional
expenses of
Rawtenstall
Board caused
by Rawten-
stall tram-
ways to be
borne by
Company.

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Company to
provide
omnibus
service in
certain
events.

11. In the event of the omnibus service from Rawtenstall to Burnley being suspended upon or subsequently to the construction of any part of the tramways authorised by this Act and of no tramways being constructed from Rawtenstall to Burnley for the accommodation of such traffic the Company shall in connexion with the Rawtenstall Extension Tramways provide and maintain between the point of actual termination of such tramways and Burnley communication by means of an omnibus or omnibuses as convenient in all respects as the communication existing at the time of the passing of this Act.

For protec-
tion of Leeds
and Liver-
pool Canal.

Company not
to decrease
height of
archway.

Company to
make good
all damage.

Penalty for
obstruction.

24. For the protection and benefit of the Company of Proprietors of the Leeds and Liverpool Canal Navigation (herein-after called "the canal company") the following provisions shall apply namely:—

1. The Company shall not under any circumstances decrease the height of the arch by which Market Street otherwise Manchester Road aforesaid is carried over the said canal or diminish the waterway under such archway.
2. The Company shall make good all damage that may be occasioned to the works or property of the canal company by or during the execution of the works or the making and use of the said tramways. Provided that (a) in every case of pressing necessity and (b) in every other case if for seven days after notice in writing thereof given to the Company by the canal company the Company neglect to proceed with due diligence to make good any such damage the canal company may if they think fit make good such damage and the amount expended by them in so doing shall be repaid to them by the Company.
3. If and whenever by any act or omission of the Company any part of the canal or the towing-path of the canal shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Company shall pay to the canal company as or by way of ascertained damages the sum of one hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day. Provided that nothing in this Act shall prevent the canal company or any owner of boats or barges using the canal from recovering from the Company (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the canal company or such owner in consequence of the stoppage

of or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Company or by the canal company for the Company under the provisions herein-before contained.

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4. If and whenever any damages or other sums payable by the Company to the canal company or any such owner as aforesaid by virtue of this section are not paid on demand made on the Company the same may be recovered by the canal company or such owner from the Company with full costs in any court of competent jurisdiction.

Recovery of damages.

5. All questions and differences which may at any time arise between the Company and the canal company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by arbitration before an arbitrator to be appointed by the Company and the canal company or (if for fourteen days after the question or difference arises the Company and the canal company do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of the parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of such arbitration shall be borne in such manner as such arbitrator may in his discretion think fit.

Arbitration.

6. Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the canal company.

Saving canal company's rights.

25. For the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the railway company") the following provisions shall have effect unless otherwise agreed between the Company and the railway company (that is to say):—

For the protection of the Lancashire and Yorkshire Railway Company.

1. The passing place opposite Halstead Street shall be shifted so far southwardly as to be clear of Halstead Street and no part of Tramway No. 1 by this Act authorised opposite the junction of Halstead Street with Manchester Road or within ten yards of Halstead Street on either side shall be laid as a double line And in working the said tramway no tramcar or other vehicle used upon the same shall be allowed to pull up or stop opposite Halstead Street aforesaid.

2. Notwithstanding anything contained in this Act or shown on the deposited plans no part of Tramway No. 2 by this Act

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authorised shall be laid to the south-west of a point 20 yards north-east from the termination of the said tramway as shown upon the deposited plans except with the previous consent in writing of the railway company under their common seal.

3. The Company shall so construct and maintain Tramway No. 1 in Manchester Road where that road is carried by means of a bridge over the railway of the railway company as not to alter or interfere with the structure of the said bridge or of the approaches thereto unless such alteration or interference be absolutely necessary for the purpose of constructing the said tramway.
4. In the event of any such alteration or interference the Company shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the railway company detailed drawings and specifications showing the proposed work as affecting the said bridge and if any difference arise between the Company and the railway company as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Company shall so construct and maintain the said tramway as not to injuriously affect the stability of the said bridge and the approaches thereto.
5. In the event of any injury being caused to the said bridge or the approaches thereto by the construction laying maintenance repairing user or removal of the said tramway the railway company may at the expense of the Company restore the said bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the railway company against all sums costs and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Company) so much of the road over such bridge and approaches as the Company are liable to maintain under the 28th section of the Tramways Act 1870 and the railway company may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable.
6. All works which may be necessary in constructing laying and maintaining the said tramway over the said bridge shall be

constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the engineer of the railway company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the railway company or the company.

7. In case it shall become necessary in consequence of the existence or user of the tramway to strengthen the fabric of the said bridge the railway company may execute such works as their engineer may deem necessary but in all things at the expense of the Company and the railway company may recover from the Company in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs.
8. If it shall become necessary for effecting such strengthening that the working and use of any portion of the said tramway shall be wholly or in part stopped or delayed and the railway company shall give the Company three clear days notice in writing requiring such stoppage or delay the working or user of such portion of the said tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the railway company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay.
9. The sleepers and other materials forming the sub-structure of the said tramway where the same crosses the said bridge shall subject to the provisions of this section be such as shall be reasonably approved of by the railway company.
10. Nothing in this Act contained shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the railway company other than as by this Act expressly provided.

26. For the protection of the mayor aldermen and burgesses of the borough of Bury in the county of Lancaster (in this section referred to as "the Bury Corporation") the following provisions shall be in force and have effect (that is to say):—

For protection of corporation of Bury.

1. In the construction of the tramways the Company shall subject to the consent of the road authority and of the Board of Trade deviate in such places and to such extent and in such manner as the surveyor for the time being of the Bury Corporation may reasonably certify in writing to be necessary for avoiding interference with any water apparatus belonging to the Bury Corporation but no such deviation shall be so

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- made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath unless the frontagers affected thereby consent to such deviation.
2. The provisions of sections 30 32 and 33 of the Tramways Act 1870 shall subject to the other provisions of this section extend and apply to the water apparatus of the Bury Corporation and to the Bury Corporation in respect thereof and in construing those sections for the purposes of this section the word company shall be construed to mean the Bury Corporation.
 3. All works which may in any way interfere with any such apparatus may if the Bury Corporation so think fit be executed by them but at the costs in all things of the Company.
 4. If by reason of the construction or maintenance of any of the said tramways any new substituted or additional water apparatus be requisite the cost of constructing providing and laying of such apparatus shall be paid by the Company subject to credit being given to the Company for the value of any apparatus rendered useless by the construction or maintenance of the said tramways and removed by the Bury Corporation Provided that if such substituted apparatus be of increased dimensions the additional cost arising from such increase shall unless such increase be required by reason of the said tramways be borne by the Bury Corporation.
 5. In the event of any injury being occasioned to any of the apparatus belonging to the Bury Corporation whether such injury shall occur during or after the construction of or in maintaining the said tramways or in or by the working or user thereof the Bury Corporation may at the expense of the Company restore such apparatus or the part or parts which may be injured and the Company shall recoup and indemnify the Bury Corporation against all sums costs and expenses which they may pay or be put to in restoring such apparatus.
 6. The Bury Corporation shall not either during the progress of the works of the Company or at any time thereafter be liable for any loss which may accrue to the Company by reason of any suspension of or interference with the traffic on the said tramways nor for any accident damage or injury to the said tramways works or property of the Company or

to any person animal or thing travelling or conveyed on or using the said tramways or any road in which they may be laid if such loss accident damage or injury shall be caused by the bursting or breaking of or the leaking or escape of water from any apparatus of the Bury Corporation crossed or wholly or partially underneath or near to or affected by any of the said tramways unless such accident damage or injury shall have been caused by any act default or negligence of the Bury Corporation their officers or servants.

7. Whenever for the purpose of enabling them to execute any work to their apparatus the Bury Corporation so require and shall give notice to that effect the Company shall either stop the traffic on the tramway to which the notice refers when it would otherwise interfere with such work or shore up and secure such tramway at their own risk and cost during the execution of the work provided that such work shall always be completed by the Bury Corporation with all reasonable expedition.
8. All moneys to be paid by the Company to the Bury Corporation under or by reason of any provisions of this section shall be payable on demand and in default thereof may be recovered with full costs of suit in like manner as any simple contract debt of like amount.
9. The word apparatus in this section shall include water mains pipes services syphons plugs valves firecocks hydrants and all other apparatus used for the supply of water.

27. For the protection of the county council of the county palatine of Lancaster (in this section referred to as "the county council") the following provisions shall apply and have effect (that is to say):—

For protec-
tion of
county
council of
Lancaster.

- (a) The Company shall at their own expense pave so much of any road whereon any of the tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein as lies between the rails and as extends 18 inches beyond the rails of and on each side of such tramways with granite cubes or setts to the satisfaction of the county council or with such other paving as the county council may approve.
- (b) In constructing any of the tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county the Company shall not alter or interfere with the structure of such bridge or of the approaches thereto unless

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such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramways and in the event of any such alteration or interference the Company shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and if any difference arises between the Company and the county council as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Company shall so construct and maintain such tramways in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways) the county council may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Company and the Company shall recoup to and indemnify the county council against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to maintain and keep in good condition and repair under the twenty-eighth section of the Tramways Act 1870 and the county council may recover from the Company all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of like amount may be recovered.

- (c) In case steam or any mechanical power is used on any of the tramways laid on any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein the county council may execute such works as may in the opinion of their engineer and of the engineer of the Company (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the county council may execute all such works in all things at the expense of the Company and the county council may recover from the Company in manner aforesaid all moneys

expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it become necessary for effecting such strengthening that the working and use of any such tramways be wholly or in part stopped or delayed and the county council give the Company three clear days notice in writing requiring such stoppage or delay the working and user of such tramways or tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the county council shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

(d) Nothing in this Act contained shall tend to lessen or control any right power or authority now vested in the county council for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Company but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto. Provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days notice thereof shall be given by the county council to the Company and the county council shall afford to the Company all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

(e) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the tramways are laid be altered widened or rebuilt by the county council the county council may require the Company to alter any such tramways in such manner as the circumstances of the case may reasonably require. Provided that in case of any difference between the county council and the Company as to such alteration widening or rebuilding the same shall be settled in manner herein-after mentioned. And provided also that it

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shall and may be lawful for the Company to contribute such sum as may be mutually agreed upon between the Company and the county council towards the expense of altering widening or rebuilding any of such bridges as in this section mentioned.

(f) If any dispute or difference shall arise between the county council and the Company respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Carrying of
mails by
Company.

28.—(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.

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(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.

(d) 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.

36 & 37 Vict.
c. 48.
45 & 46 Vict.
c. 74.

(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.

29. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect:—

Provision for
protection of
the Post-
master-
General.

1. It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so con-

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tinuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

31 & 32 Vict.
c. 119.

2. Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.
3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

A.D. 1889. Corporation of a mileage toll per carriage to be fixed altered and amended by the Board of Trade in like manner as the before-mentioned mileage toll :

Provided further that the powers and rights conferred by this section shall be so exercised as not to interfere with or impede or in any way prejudice or obstruct the Blackburn Corporation their lessees or lessee or the Company as the case may be in the full use and enjoyment of the tramways from time to time respectively belonging to the Blackburn Corporation and the Company Provided further that in case of any dispute between the Blackburn Corporation and the Company respecting any matter arising out of the exercise of or otherwise relating to any powers or rights conferred by this section the matter of every such dispute shall be determined by the Board of Trade who shall have full power to make such orders and regulations in relation to the exercise of the powers and rights conferred by this section as they shall deem fit and by any such order or regulation the said Board may limit the exercise of any of the powers and rights aforesaid Provided further that such running powers shall not be exercised except with the previous consent in writing of the Board of Trade.

Arbitration.

31. If any difference arise between any corporation company or person or any local or road authority and the Company touching anything to be done or not to be done by any such corporation company person or local or road authority or the Company or touching any sum or sums of money to be paid or received by the Company to or by any such corporation company person or local or road authority respectively as the case may be and for the settlement of which no special provision is made in this Act or in the Tramways Act 1870 the matter in difference shall (unless otherwise agreed on between the parties within ten days after such difference shall have arisen) be determined by a referee to be appointed by the Board of Trade upon the application of either of the parties in manner provided by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Mode of formation of tramways.

32. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road and no carriage truck or waggon constructed for use upon a railway shall be permitted to pass along the tramways.

33. The Board of Trade may from time to time upon the application of the local or road authority of any district in which any or any part of the tramways is situate 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 such improvements.

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

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

Inspection by Board of Trade.

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

Power to make additional crossings, &c.

36. 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 one thousand five hundred and twenty-four pounds $2\frac{1}{2}$ per cent. stock equal in value to five per cent. upon the amount of the estimate in respect of the tramway 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 which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said 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

Deposit money not to be repaid until line opened.

A.D. 1889. 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 tramway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway hereby authorised the High Court of Justice in England shall on the application of the depositors order the portion of the 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.

Application
of deposit.

37. If the Company do not previously to the expiration of the period limited for the completion of the tramway complete and open the same for public conveyance of passengers then and in every such case the 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 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 High Court of Justice in England may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the 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 court 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 court 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 deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before 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.

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38. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Period for compulsory purchase of lands.

39. The tramways and works by this Act authorised shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of works.

40. 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. 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 capital.

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

Provision as to general tramway Acts.

[Ch. ccxiv.]

*Rosendale Valley Tramways
(Burnley Extension) Act, 1889.*

[52 & 53 VICT.]

A.D. 1889. — of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be taken by the Company.

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

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