



CHAPTER civ.

An Act to authorise the Corporation of the City of A.D. 1897.
Liverpool to acquire the Undertaking of the Liverpool
United Tramways and Omnibus Company to confer
powers on the Corporation for improving and working
the Undertaking and for borrowing money and for other
purposes. [15th July 1897.]

WHEREAS the mayor aldermen and citizens of the city of
Liverpool (in this Act called "the Corporation") had
constructed and were the owners of various tramway lines in the
city as it existed before the extension of the city boundaries by the
City of Liverpool Order 1895 (in this Act called "the Extension
Order 1895"):

And whereas those tramway lines were and are leased to the
Liverpool United Tramways and Omnibus Company (in this Act
called "the Company") by two leases dated respectively the first
day of January one thousand eight hundred and eighty-five and the
seventh day of February one thousand eight hundred and ninety-
three both of which leases expire on the first day of January one
thousand nine hundred and five:

And whereas under the Extension Order 1895 the Corporation
have become the owners of the tramway lines and undertakings of
the councils of the respective urban districts of Walton Wavertree
and West Derby which were respectively authorised by the Walton-
on-the-Hill Tramways Order 1880 the Wavertree Tramways Order
1878 and the West Derby Local Board Tramways Order 1878:

And whereas at the date of the confirmation by Parliament of the
Extension Order 1895 the Company were and they still are lessees
of the said last-mentioned tramway lines such leases having been
granted by the respective councils of those districts and expiring in
the case of the Walton lines on the seventh day of September one
thousand nine hundred and two in the case of the West Derby lines

A.D. 1897. — on the thirtieth day of January one thousand nine hundred and three and in the case of the Wavertree lines on the first day of January one thousand nine hundred and five :

And whereas by section 18 of the Act confirming the Extension Order 1895 the Corporation are bound before the first day of January one thousand nine hundred and two to grant and the Company are bound to accept a new lease of all the tramway lines in the extended city at a rent calculated in respect of the lines in the existing city on the same basis as the rent payable by the Company under the existing lease or leases from the Corporation to the Company and as regards the lines in each of the districts of Walton West Derby and Wavertree at a rent calculated on the same basis as the rent payable by the Company under their existing leases from the councils of those districts respectively such new lease to contain such covenants and conditions as may be agreed upon between the Corporation and the Company or failing agreement as may be settled by the Board of Trade and such new lease to expire on the first day of January one thousand nine hundred and fifteen or at such later period as may be agreed upon between the Corporation and the Company :

And whereas by the same section the Company are bound to sell and the Corporation are bound to purchase the tramway lines in the Walton district then belonging to the Company including any lines in course of construction on such terms and conditions as may be agreed upon or as failing agreement shall be settled by arbitration and when such sale and transfer has been carried out the Corporation and the Company shall include such lines in the said lease on such terms as may be agreed upon or as failing agreement shall be settled by arbitration :

And whereas the Company are also lessees from the Corporation of Bootle of tramway lines in the borough of Bootle and are owners of other tramway lines in the said borough and in the urban district of Litherland and in addition to their interests and powers under the said leases and under the various Acts and orders enumerated in the Schedule to this Act the Company are also owners of buildings lands plant rolling stock and other property :

And whereas the Company have no mortgage or debenture debt :

And whereas horse traction is the only method of traction employed by the Company and the tramway service is inadequate to meet the requirements of the public :

And whereas it is desirable to improve the tramway service and to adopt new methods of traction on the tramway lines and to

reconstruct all or some of the lines for the purposes of such adoption : A.D. 1897.

And whereas in these circumstances the Corporation have resolved that in the interests of the public they ought to acquire the whole undertaking and property of the Company (including the omnibus business which is worked in connexion with the tramways) and they have come to an agreement with the Company for the sale and transfer of the same and it is expedient to authorise such sale and transfer for the consideration and on the terms and conditions in this Act contained :

And whereas it is expedient to confer on the Corporation the powers in this Act contained for working the undertaking and for reconstructing the said tramway lines or some of them :

And whereas the Corporation are the undertakers for supplying electric power or energy within parts of the city :

And whereas it is expedient to authorise the use of electric or other mechanical power on the said tramway lines :

And whereas it is expedient to empower the Corporation to borrow the sums which will or may be required for the reconstruction of the said tramway lines as well as the sums required for the purchase of the Company's undertaking and property :

And whereas in the event of the acquisition by the Corporation of the Company's undertaking section 18 of the Act confirming the Extension Order 1895 will become unnecessary and may be repealed :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the eighteenth day of November one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Liverpool Courier* newspaper being a local newspaper published or circulating in the city of Liverpool such notice being in addition to the ordinary notice required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the city rate of the city :

And whereas such resolution was published twice in the *Liverpool Courier* newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the thirteenth day of January one thousand eight

A.D. 1897. hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the city by resolution in the manner provided by Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

Short title. 1. This Act may be cited as the Liverpool Corporation Tramways Act 1897.

Execution of Act. 2. This Act shall be carried into execution by the Corporation acting by the Council.

Interpretation. 3. In this Act the expression “the undertaking” means the whole undertaking of the Company including the tramways and omnibus undertakings or businesses and all other businesses carried on by the Company with all the interests powers rights and privileges of the Company under their existing leases and under the Acts and Orders enumerated in the schedule to this Act as well as all tramway lines belonging to the Company and all the buildings lands plant horses rolling stock moneys fixtures stock-in-trade assets book and other debts belonging to due and owing to the Company and all other property of every description including things in action vested in or belonging to or due or owing to or standing to the credit of the Company and the benefit of all contracts and engagements entered into by the Company as the same shall stand on the date of transfer herein-after mentioned :

The expression “tramway lines” means all the tramway lines owned or leased by the Company at the date of the transfer by this Act authorised :

The expression “the tramways” includes the said tramway lines and any other tramway lines which may hereafter be constructed owned or worked by the Corporation :

The expression “Corporation of Bootle” means the mayor aldermen and burgesses of the borough of Bootle :

The expression “mechanical power” includes steam electric and every other motive power not being animal power :

The expression “engines” includes motor.

I.—*Purchase of Undertaking.*

Purchase of undertaking by Corporation. 4.—(1) The Company shall sell and the Corporation shall purchase the undertaking of the Company for the sum of five hundred and

sixty-seven thousand three hundred and seventy-five pounds which sum shall be distributed by the Corporation among the shareholders of the Company as herein-after in this Act provided. A.D. 1897.

(2) The purchase shall take effect on the thirty-first day of August one thousand eight hundred and ninety-seven and on and from that day the undertaking shall be by virtue of this Act without any conveyance or other instrument transferred to and vested in the Corporation subject and according to the provisions of this Act (which transfer and vesting is in this Act referred to as "the transfer") and thenceforth the Corporation in their own name and for their own benefit shall be entitled to the possession of and shall have and hold the undertaking and be entitled to work and carry on the same.

5.—(1) The Company shall manage the undertaking up to and including the thirty-first day of August one thousand eight hundred and ninety-seven and shall be entitled to pay to their shareholders out of the receipts and the undivided profits of the Company dividend upon their share capital at the rate of five per centum per annum free of income tax from the first day of January one thousand eight hundred and ninety-seven to the thirty-first day of August one thousand eight hundred and ninety-seven. Provided that the Company shall not after the passing of this Act raise any further share capital or loans without the consent of the Corporation under the hand of the town clerk but this shall not prevent the Company obtaining a loan from their bankers to enable them to replace money which has been applied out of revenue for capital expenditure or for the purchase of stores and the amount of the revenue so replaced may be applied towards the payment of the dividend aforesaid. Provisions incidental to the transfer.

(2) All receipts of the Company which have not been applied in payment of ordinary working or other expenses of the Company from the first day of January one thousand eight hundred and ninety-seven shall subject to the payment of the said dividend belong to the Corporation.

(3) The assets of the Company to be transferred to and taken over by the Corporation shall include all sums standing to the credit of the Company at the date of transfer at suspense accounts or as reserve funds or for any purpose whatsoever.

(4) The Corporation shall be liable to and shall pay and discharge all debts and liabilities which the Company may be subject to on the thirty-first day of August one thousand eight hundred and ninety-seven and shall exonerate and indemnify the Company from and against all claims and demands in respect thereof.

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(5) The directors of the Company shall not enter into any contracts except such as are reasonably necessary for the ordinary carrying on of the undertaking without the consent of the Corporation under the hand of the town clerk.

Directors
to continue
to act in
management
of under-
taking.

6.—(1) Each of the present directors of the Company (that is to say Sir David Radcliffe Thomas Brunker William Busby James Richardson and James Rowse) shall for so long and with regard to such matters as the Corporation may require (not exceeding a period of five years from the thirty-first day of August one thousand eight hundred and ninety-seven) continue to act in the management of the undertaking and carry on the same on behalf of the Corporation in conjunction with such committee or members of the city council as the council may from time to time appoint and so long as any director is required by the Corporation so to act he shall receive from the Corporation remuneration at the same rate per annum as he received as director of the Company in the year one thousand eight hundred and ninety-six.

(2) In the event of the Corporation not requiring the services of any director during the said period of five years or on the expiration of the said period such director shall be entitled to receive from the Corporation as compensation for the extinguishment of his office the capitalised value of an annuity terminable on the first day of January one thousand nine hundred and fifteen or on death prior to that date such capitalised value to be calculated on the amount which he received as director of the Company in the year one thousand eight hundred and ninety-six as aforesaid and based on the rates of calculation employed in the Post Office annuity tables Provided that no compensation shall be payable to the representatives of any director in case of his death during the said period of five years or to a director in case of his being permanently incapacitated during that period through illness from acting in the management as aforesaid.

(3) In case of any dispute between any director and the Corporation in relation to anything arising under this section the same shall be referred for settlement to some person nominated by the Board of Trade at the request of either party All out of pocket expenses necessarily incurred by a director in connexion with such dispute shall be paid by the Corporation.

Compensa-
tion to
auditors and
solicitors.

7. Each of the auditors of the Company in office at the passing of this Act (if not continued in his office at his present salary by the Corporation or if he be disqualified from holding such office

after the transfer) and the solicitors of the Company shall be entitled to receive from the Corporation in respect of loss of office and emoluments compensation calculated on the same basis as the compensation payable under the section of this Act of which the marginal note is "Directors to continue to act in management of undertaking" to any director becoming entitled to compensation under that section but so that in the case of the auditors the compensation shall be calculated upon the fees received by them respectively during the year one thousand eight hundred and ninety-six and in the case of the solicitors shall be calculated upon the average net profits received by them from the Company for the period of five years prior to the thirty-first day of August one thousand eight hundred and ninety-seven.

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8. Every officer and servant of the Company other than the solicitors and auditors who on the date of the transfer shall be in the employment of the Company shall (unless such officer or servant signifies in writing to the Corporation within one month after the transfer that he does not desire to enter their service) be taken over by the Corporation on the same terms as to position and emoluments as those under which they were respectively employed by the Company on the sixteenth day of March one thousand eight hundred and ninety-seven. No officer or servant of the Company taken over by the Corporation under this Act shall be under any obligation to contribute to or entitled to participate in the superannuation fund of the Corporation unless within one month from such taking over he signifies to the Corporation his desire so to contribute and participate.

Officers and
servants to
be taken
over by
Corporation.

9. All books and other documents necessary for the conduct of the business of the Company shall on the transfer of the undertaking be transferred to the Corporation but not any books or other documents which are no longer useful or reasonably necessary for the purposes of the Corporation as owners of the undertaking. Any difference as to the custody of any books or documents belonging to the Company shall be settled by some person to be nominated in that behalf by the President for the time being of the Board of Trade and the decision of the person so nominated shall be final.

Books of
Company.

10. From and after the transfer all the powers rights privileges authorities duties and obligations of the Company under the Acts and Orders enumerated in the schedule to this Act shall be by virtue of this Act transferred to vested in and imposed on the Corporation and those Acts and Orders shall until repealed apply to

Application
of Company's
Acts to
Corporation.

A.D. 1897. — the Corporation subject nevertheless and according to the following exceptions and provisions (namely):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the said Tramways Acts shall not apply to the Corporation:

(2) None of the provisions of the said Tramways Acts or Orders or of any Acts incorporated therewith in any manner relating to the share or loan capital of the Company or to the balancing of the books or to the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the Corporation.

Byelaws
and regula-
tions of
Company
continued.

11. Notwithstanding the transfer all byelaws and regulations made by the Company and in force at the passing of this Act shall continue in force until repealed or altered by the Corporation and from and after the transfer the Corporation shall have full power to repeal alter and amend all or any of the said byelaws and regulations and to make fresh byelaws and regulations for all or any of the purposes for which the Company were authorised to make byelaws and regulations But any such repeal alteration or amendment as aforesaid and any fresh byelaws or regulations made by the Corporation under this section shall not take effect unless and until confirmed by the Board of Trade.

Saving for
actions &c.
by or against
Company.

12. If at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed.

Saving for
contracts &c.
of Company.

13. Except as may be otherwise provided by any agreement between the Corporation and the Company all agreements contracts conveyances deeds purchases and sales entered into or made and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Distribution
of purchase
money.

14. The Corporation shall on or before or within two days of the date of transfer distribute the purchase money among the shareholders of the Company rateably according to their respective

holdings and the Company shall for the purpose of enabling the Corporation to make such distribution hand over to the Corporation their register of members immediately the same is closed in manner provided by the section of this Act of which the marginal note is "Company's books evidence as to shareholders" and the Company shall by their officers and servants render to the Corporation such assistance as may be reasonably required in connexion with the preparation for such distribution.

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For the purpose of carrying out the aforesaid distribution it shall be sufficient for the Corporation if they think fit to send a cheque for the amount payable to any person or persons in manner in which notices may be served on the shareholders of the Company under sections 136 and 137 of the Companies Clauses Consolidation Act 1845.

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

Receipts in cases of persons not sui juris.

16.—(1) The several persons who at the time of the closing of the register of transfers as herein-after prescribed appear on the share register of the Company to be proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be deemed to be the shareholders thereof entitled to participate in the distribution of the purchase money and other moneys in manner herein-before provided and in any dividend that may be paid by the Company after such closing of the register of transfers.

Company's books evidence as to shareholders.

(2) The register of transfers of the Company shall be closed for a period of twenty-one days previous to the said thirty-first day of August.

17. Where the Corporation are for three months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money is payable or where any part thereof is payable to a person whose committee cannot give an effectual receipt for the same the Corporation may pay the same into the Supreme Court or into the Liverpool District county court under any Act for the time being in force for the relief of trustees.

Payment into court when persons entitled to money cannot be found.

18. On the thirty-first day of August one thousand eight hundred and ninety-seven the Company shall by virtue of this Act be dissolved.

Dissolution of Company.

19. After the transfer it shall be lawful for the Corporation notwithstanding anything contained in the Tramways Act 1870 or any other Act or Order relating to any tramways now owned or

Power to work the undertaking.

A.D. 1897. — leased by the Company but subject to the provisions of this Act themselves to work and use all or any of the tramway lines or any other tramway lines which may hereafter be constructed in connexion therewith and to carry on and work the undertaking and business by this Act transferred to them and to provide horses cars rolling stock and all other such plant and apparatus as may be requisite or convenient therefor and to demand and take reasonable tolls and charges for the use of their cars and omnibuses.

For protec-
tion of
Corporation
of Bootle.

20.—(1) The powers given to the Corporation by this Act under the heading “III.—General Powers for reconstruction &c.” shall not be exercised by them with regard to the lines belonging to the Corporation of Bootle except with the consent of that corporation to be signified under the hand of the town clerk but it shall be lawful for the Corporation of Bootle if they think fit to exercise such powers themselves.

(2) If the tramway lines belonging to the Corporation of Bootle shall be adapted for electric traction and if in the opinion of the Board of Trade the Corporation of Bootle shall have electric works capable of and suitable for supplying electric power for the working of the said tramway lines then it shall be lawful for the said corporation if they think fit to supply the electric power for the working of the said tramway lines in Bootle and the Corporation shall take such supply at such price and upon such terms as shall be agreed upon between the Corporation of Bootle and the Corporation or failing agreement as shall be determined by the Board of Trade.

(3) From and after the transfer of the undertaking to the Corporation the Corporation shall be substituted as lessees for the Company under the leases granted by the Corporation of Bootle to the Company of the tramway lines belonging to the Corporation of Bootle but such leases shall terminate and be surrendered as soon as the terms and conditions of working the said tramway lines shall have been settled as herein-after mentioned.

(4) The Corporation and their lessees (if any) or any company or person working or using the tramway lines shall continue to work the tramway lines belonging to the Corporation of Bootle in conjunction with and so long as they work the tramway lines within the City of Liverpool and the terms and conditions on which the Corporation and their lessees (if any) or any Company or person working or using the tramway lines shall continue to work the Bootle tramway lines and any extensions thereof shall be settled by agreement between the two Corporations within three years

from the date of transfer or failing agreement by the Board of Trade. A.D. 1897.

(5) In the settlement of the terms and conditions by the Board of Trade under this section they shall have regard to the terms and conditions of the existing leases to the Company. And the new terms shall include such additional rent or annual payment in respect of the expenditure by the Corporation of Bootle in and about the alteration and reconstruction of their tramways for the purpose of adapting them to mechanical power and also such additional rent or annual payment in respect of the expenditure by the Corporation of Bootle in the construction of any additional tramways within the borough of Bootle as the Board of Trade having regard to all the circumstances of the case may think fit.

(6) All expenses incurred by the Corporation of Bootle in the exercise of any power conferred upon them by this Act may be paid out of the like rate and they shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870.

21. As respects the tramway lines owned by the Company and situate in the urban district of Litherland it shall be lawful for the Litherland Urban District Council if by resolution passed at a special meeting of their members they so decide within six months after the expiration of seven years from the passing of this Act and within six months after the expiration of every subsequent period of three years with the approval of the Board of Trade by notice in writing to require the Corporation to sell and thereupon the Corporation shall sell to them the said tramway lines and all lands buildings works materials and plant of the Corporation used exclusively for the working of the said lines upon terms of paying the then value (exclusive of any allowance for past or future profits or any compensation for compulsory sale or other consideration whatsoever) of the said tramway lines and of such lands buildings works materials and plant as aforesaid such value to be in case of difference determined by an engineer or other fit person nominated by the Board of Trade on the application of either party and the expense of the reference to be borne and paid as the referee directs. And when such sale has been made all the rights powers and authorities of the Corporation in respect to the said tramway lines and other property sold shall be transferred to vested in and may be exercised by the urban district council in like manner as if the said tramway lines were constructed by the urban district council under the powers conferred upon them by a Provisional Order under the

For pro-
tection of
Litherland
Urban
District
Council.

A.D. 1897. Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters.

No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of the urban district council are usually given nor unless two-thirds of the members constituting the urban district council are present and vote at the meeting and a majority of those present and voting concur in the resolution nor unless the said resolution is confirmed in like manner at another meeting called as aforesaid and held not less than three weeks and not more than six weeks thereafter and it shall be lawful for the chairman of any such meeting with the consent of a majority of the members present to adjourn the same from time to time.

The urban district council may pay the purchase money and all expenses incurred by them in the purchase of the said tramway lines and other property under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870.

Limiting
weight of cars
&c. over bridges
belonging to
the Mersey
Docks and
Harbour
Board.

22. No tram car or other vehicle exceeding in weight ten tons shall at any time be brought upon or passed over any bridge belonging to the Mersey Docks and Harbour Board without the written consent of the said board under the hand of their secretary for the time being.

Plans &c.
of certain
works to be
approved by
engineer to
Mersey
Docks and
Harbour
Board.

23. No works machinery rails cables conductors wires or appliances of any kind for or in connexion with the movement by electricity or other mechanical traction of cars or vehicles upon any land road or bridge belonging to the Mersey Docks and Harbour Board shall be erected laid or carried out by the Corporation except in accordance with plans and specifications to be approved by the principal engineer for the time being of the said board by writing under his hand and then only at such times and in such manner as he shall direct.

Prohibiting
the raising
of fares on
Sundays
and holidays.

24. It shall not be lawful for the Corporation or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or public holiday any higher tolls or charges than those levied by them on ordinary week days.

Regulations.

25. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time

being belonging to and worked by the Corporation be made by the Corporation alone. A.D. 1897.

26. Notwithstanding any provision in any Act or Provisional Order relating to any tramway by this Act transferred to the Corporation the Conveyance of Mails Act 1893 shall extend and apply to any such tramway as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working any such tramway. Conveyance of mails.

II.—*Use of Mechanical Power.*

27. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):— Provisions as to motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence, be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public may by order either direct the Corporation to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order:

In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

A.D. 1897.

Power to
generate
electricity.

28. For the purposes of working any of the tramways the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may use for the purposes aforesaid or any of them the five existing electrical generating stations and works of the Corporation and the lands belonging to the Corporation used or intended to be used therewith (namely):—

- (1) The Highfield Street Station bounded on the north-east by Highfield Street on the south-west (partly) by Hadwen's Buildings on the south-east by a passage leading from Highfield Street to Hadwen's Buildings and on the north-west by 21 Highfield Street:
- (2) The Oldham Place Station bounded on the north by the Young Men's Christian Association Lecture Hall in Mount Pleasant on the west by premises in the occupation of Messrs. Holme and Green on the east by stables in Roscoe Street and on the south by Oldham Place:
- (3) The Harrington Street Station bounded on the south by Harrington Street on the north by premises in Mathew Street on the east by premises in the occupation of Messrs. Wright Crossley and Co. and on the west by the passage leading from Harrington Street to Mathew Street:
- (4) The Paradise Street Station bounded on the north-east by Argyle Street on the west by Paradise Street on the south-east by Seddon Street and on the south-west by Cleveland Square: and
- (5) The Lark Lane Station bounded on the north-west by Lark Lane on the north-east by the County Police Station on the south-west by Cain's Albert Hotel and on the south-east by Cain's Bowling Green:

And on such lands the Corporation may erect maintain and use the existing or such further engines dynamos machinery generating plant buildings works and apparatus as may be necessary or expedient for carrying into effect the objects of this Act.

For pro-
tection of
London
and North
Western
Railway
Company.

29. In making and maintaining any wires tubes pipes mains cables and openings under the surface of any street or place where the same passes over any railway tunnel or bridge carrying any road over or under the railway of the London and North Western Railway Company (herein-after called "the North Western Company") in order to work the tramways by mechanical power the following

provisions shall be in force and have effect and be binding upon the Corporation :— A.D. 1897.

- (A) The Corporation shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such wires tubes pipes mains cables and apparatus over such tunnel or bridge and the approaches thereto or under such bridge as the case may be as not injuriously to affect the same :
- (B) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such wires tubes pipes mains cables and apparatus the North Western Company may at the expense of the Corporation restore such tunnel bridge or 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 Corporation shall indemnify the North Western Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over or under such tunnel bridge and approaches as the Corporation are liable to maintain and repair under section 28 of the 'Tramways Act 1870 and the North Western Company may recover from the Corporation 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 :
- (c) All works which may be necessary in constructing laying and maintaining any of the said wires tubes pipes mains cables or apparatus over or under any railway tunnel bridge works or other property of the North Western Company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the North Western Company or the Corporation :
- (d) Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the North Western Company otherwise than is by this Act expressly provided.

30. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to the use of electric power.

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

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- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as

is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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(7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

31. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

32. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties.

33. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the

Amendment of the Tramways Act 1870 as to byelaws by local authority.

A.D. 1897. — provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c.
of Board of
Trade.

34. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

For protec-
tion of the
Postmaster-
General.

35. In the event of any of the tramways of the Corporation being worked by electric power the following provisions shall have effect:—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) (A) Before any electric line is laid down or any act or work for working the tramways by electricity 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 continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such

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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 ;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

- (4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation 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 :
- (5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance 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 :
- (6) 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 :
- (7) For the purposes of this section and subject as therein provided sections 2, 8, 9, 10, 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

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- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

III.—*General Powers for Reconstruction &c.*

Power to
repair and
reconstruct
tramways.

36. Subject to the provisions of this Act with respect to the Corporation of Bootle the Corporation may repair alter and reconstruct the tramways or any of them as they may see fit and may construct erect lay down and maintain in over or under the surface of any street all such works as may be necessary or expedient for the purpose of adapting the tramways or any of them to the use of mechanical power.

Power to
attach
conductors
wires &c.

37. Subject to the provisions of this Act with respect to the Corporation of Bootle it shall be lawful for the Corporation to attach to any house or building with the consent of the owner and occupier thereof such conductors wires tubes pipes mains cables posts ropes or apparatus and to make and maintain such openings in on or under the surface of any street or place as may be necessary or convenient for working the tramways or any of them by mechanical power or for providing access to or forming connexions with any generating stations buildings works engines machinery or apparatus.

IV.—*Financial.*

Application
of receipts of
undertaking.

38. The receipts of the Corporation on revenue account from the undertaking and any extension thereof shall be applied:—

- (1) In maintaining the tramways belonging to the Corporation and so much of the street in which such tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870:

A.D. 1897.

- (2) In paying all working and other expenses in connexion with the undertaking and any extension thereof properly chargeable to revenue :
- (3) In providing the interest on the balance of the debt now owing by the Corporation for tramway purposes and also such portion of the sum of ninety-two thousand pounds required to be raised annually by the Liverpool Corporation Act 1893 for the repayment of the corporate debt as relates to the said tramway debt :
- (4) In providing the interest on any money raised or borrowed by the Corporation under the powers of this Act together with the amount necessary to be paid into a sinking fund or redemption fund to provide for the repayment of the money so borrowed :
- (5) The surplus after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or renewal fund for the purposes of the undertaking or into a suspense account or in extending and developing the undertaking or in increasing the amount required to be paid into any sinking fund or redemption fund in respect of money borrowed by the Corporation for tramway purposes but subject as herein-after mentioned no part of the surplus shall until after the first day of January one thousand nine hundred and twelve be paid to the credit of any rate :
- (6) In case the receipts on revenue account from the undertaking or any extension thereof shall be insufficient to meet the charges upon it the deficiency may be provided by the Corporation out of the general rate provided that the amount so paid out of the general rate may be replaced out of any future surplus as and when the Corporation may think fit :
- (7) So long as the Corporation are able out of the receipts as aforesaid to pay the portion of the sum of ninety-two thousand pounds required to be raised annually by the Liverpool Corporation Act 1893 out of the general rate in respect of the debt for tramway purposes the Corporation shall not be required and shall cease to provide the aforesaid portion out of the general rate.

39. For the purpose of the purchase of the undertaking and for repaying any sums owing by the Company at the date of the transfer to the Corporation and for the purpose of providing capital that may be necessary for the working of the undertaking or for the payment of compensations under this Act the Corporation may borrow such sum or sums as they may require not exceeding six hundred and twenty thousand pounds to be repaid within a period

Borrowing
powers.

A.D. 1897. — not exceeding thirty years And for the purpose of reconstruction of the tramway lines and the provision of mechanical power including the full equipment of the undertaking for mechanical power and for the extension and improvement of the undertaking the Corporation may from time to time borrow such sum or sums as may be required not exceeding in the whole seven hundred and fifty thousand pounds to be repaid within a period of not exceeding twenty-five years.

The repayment of the money so borrowed within the respective periods aforesaid shall be provided for by means of an accumulative sinking fund or by the repayment of an equal portion of the principal every year.

Any sum which the Corporation may borrow under the powers of this Act may be raised by mortgage in manner provided by the Liverpool Corporation Act 1893 or by the issue of stock under the provisions of the Liverpool Corporation Act 1894 and any Act amending the same.

V.—*Repeal &c.*

Repeal of
section 18 of
confirming
Act.

40. Section 18 of the Act confirming the City of Liverpool Order 1895 is hereby repealed.

Costs of Act.

41. The costs charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation out of the city fund.

SCHEDULE referred to in the foregoing Act.

TRAMWAYS ACTS AND ORDERS.

Session and Chapter.	Short Title.
31 & 32 Vict. c. clxvii.	- The Liverpool Tramways Act 1868.
33 & 34 Vict. c. clxxvi.	- The Liverpool Tramways Act 1870.
34 & 35 Vict. c. clvii.	- The Liverpool Tramways Act 1871.
35 & 36 Vict. c. cxxii.	- The Liverpool Tramways (Purchase) Act 1872.
38 Vict. c. xlviii. -	- The Liverpool Tramways Act 1875.
41 & 42 Vict. c. cexxxi.	- The Wavertree Tramways Order 1878 and the West Derby Local Board Tramways Order 1878 confirmed by the Tramways Orders Confirmation (No. 1) Act 1878.
42 & 43 Vict. c. xevi.	- The Liverpool United Tramways and Omnibus Company's Act 1879.
42 & 43 Vict. c. exciii.	- The Liverpool Corporation Tramways Order 1879 confirmed by the Tramways Orders Confirmation Act 1879.
43 & 44 Vict. c. cxxvi.	- The Liverpool Tramways Act 1880.
43 & 44 Vict. c. clxxiii.	- The Walton-on-the-Hill Tramways Order 1880 confirmed by the Tramways Orders Confirmation (No. 2) Act 1880.
44 & 45 Vict. c. cv.	- The Bootle-cum-Linacre Corporation Tramways Order 1881 and the Liverpool Corporation Tramways (Extension) Order 1881 confirmed by the Tramways Orders Confirmation (No. 1) Act 1881.
45 & 46 Vict. c. xcii.	- The Liverpool Tramways Act 1882.
46 & 47 Vict. c. cxxxi.	- The Liverpool Corporation Tramways (Extensions) Order 1883 confirmed by the Tramways Orders Confirmation (No. 1) Act 1883.
47 & 48 Vict. c. cxii.	- The Bootle-cum-Linacre Corporation Tramways Order 1884 and the Liverpool Corporation Tramways (Extensions) Order 1884 confirmed by the Tramways Orders Confirmation (No. 1) Act 1884.
48 & 49 Vict. c. cxlv.	- The Liverpool Tramways Act 1885.
51 & 52 Vict. c. xcv.	- The Liverpool Corporation Tramways Order 1888 confirmed by the Tramways Orders Confirmation (No. 2) Act 1888.
54 & 55 Vict. c. clxii.	- The Liverpool Corporation Tramways (Extensions) Order 1891 confirmed by the Tramways Orders Confirmation (No. 2) Act 1891.
55 & 56 Vict. c. cxxxiv.	- The Liverpool Tramways Act 1892.
57 & 58 Vict. c. exci.	- The Liverpool Corporation Tramways (Extensions) Order 1894 confirmed by the Tramways Orders Confirmation (No. 1) Act 1894.

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