CHAPTER cxviii.

An Act to empower the Mayor Aldermen and Burgesses of the borough of Accrington to make tramways in and near the borough and for other purposes. A.D. 1882.

[12th July 1882.]

WHEREAS the borough of Accrington in the county palatine of Lancaster is a municipal borough under the government of the Mayor Aldermen and Burgesses (in this Act called "the Corporation") of the borough who are also the urban sanitary authority for the district thereof:

And whereas the laying down of tramways within the borough and in portions of the said county immediately adjacent to the borough would be of local and public advantage and it is expedient that the Corporation be authorised to lay down construct and maintain the same accordingly:

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

And whereas plans and sections of the proposed tramways showing the lines and levels thereof and a book of reference to those plans have been deposited with the clerk of the peace for the said county and are herein-after respectively referred to as "the deposited plans sections and book of reference":

And whereas estimates have been prepared by the Corporation for the execution of the works and other the purposes by this Act authorised and such estimates amount to the sum of forty-five thousand pounds:

And whereas the works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the council at a meeting held on the seventeenth day of October one thousand eight hundred and eighty-one after ten days clear notice by public advertisement of the meeting and of the purpose

A.D. 1882.

thereof in the "Accrington Times" a local newspaper published or circulating in the borough and in the portions of the county adjacent thereto such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund or rate:

And whereas that resolution was published twice in the "Accrington Times" a local newspaper circulating as aforesaid 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 sixteenth day of January one thousand eight hundred and eighty-two not less than fourteen days after the deposit of the Bill for this Act in the offices of the Houses of Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule 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 for all purposes as the Accrington Corporation Tramways Act 1882.

Incorporation of Acts.

2. The following enactments (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall form part of this Act (that is to say):

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

33 & 34 Vict. c. 78.

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be some-

thing in the subject or context repugnant to or inconsistent with such construction or unless herein otherwise provided.

The expression "the promoters" "the undertakers" or any similar expression (occurring in the Acts herewith incorporated) shall mean the Corporation:

The expressions "the tramways" (except when any one or more of the tramways by this Act authorised is or are expressly mentioned) and "the undertaking" shall respectively mean and include the tramways and works connected therewith and the undertaking by this Act authorised;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt or demand created by statute.

Lands by agreement.

4. The Corporation may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than two acres of land.

Construction of tramways.

5. Subject to the provisions of this Act the Corporation may construct and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates sleepers junctions turntables turn-outs crossings passing-places stables carriage sheds buildings works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act will be laid wholly as single lines (except at the several places herein-after mentioned where they will be double lines) and are as follows (that is to say):—

A tramway No. 1 (a single line except at the points and in the cases next herein-after mentioned where by the construction of Tramways 1A 1B 1C 1D 1E 1F 1G 1H 1I 1K 1L 1M 1N 1O 1P 1Q 1R and 1S respectively Tramway No. 1 will become a double line) two miles seven furlongs five chains and twenty-one yards in length wholly situate in the township and borough of Accrington in the parish of Whalley commencing at the south-easterly boundary of the said borough at a point in the centre of the Manchester Road at its junction with the boundaries of the townships of Henheads and Lower Booth in the Forest of Rossendale as shown on the deposited plans thence to continue

A.D. 1882.

and be situate along through and in the following roads and streets that is to say Manchester Road Abbey Street and Whalley Road and terminating at the north-westerly boundary of the said borough in the Whalley Road aforesaid at a point about twenty-five yards from the north-westerly corner of the Crown Inn measured in a north-westerly direction;

A tramway No. 1A (a single or second line of tramway) three chains in length wholly in Manchester Road commencing at a point about ten yards measured in a north-westerly direction from the commencement of Tramway No. 1 and terminating at a point about seventy-six yards north-westerly therefrom;

A tramway No. 1B (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about twenty-seven yards from the line of the south-easterly side of Crow Street measured in a north-westerly direction and terminating at a point about ninety-three yards north-westerly therefrom;

A tramway No. 1C (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about seventy yards from the south-westerly corner of the Bay Horse Inn measured in a south-easterly direction and terminating at a point about ten yards south-westerly therefrom;

A tramway No. 1D (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about twelve yards from the south-easterly corner of Parker Street measured in a south-easterly direction and terminating at a point about fifty-six yards measured in a north-westerly direction therefrom;

A tramway No. 1E (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about sixteen yards from the centre and junction of Lane Ends with the said Manchester Road measured in a north-westerly direction and terminating at a point about eighty-two yards measured in a north-westerly direction therefrom;

A tramway No. 1F (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about thirteen yards from the north-easterly corner of Collier's Row measured in a northerly direction in the said road and terminating at a point about seventy-six yards measured in a northerly direction therefrom;

A tramway No. 1G (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about seventy yards south of the house heretofore known as the Oak Hill Tollhouse and terminating at a point about eight yards measured in an easterly direction therefrom;

A tramway No. 1H (a second or single line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point about one hundred and twenty-six yards north of the said house hitherto known as the Oak Hill Tollhouse and terminating at a point about one hundred and ninety-two yards measured in a northerly direction therefrom;

A tramway No. 1I (a single or second line of tramway) three chains in length wholly in Manchester Road aforesaid commencing at a point opposite the line of the easterly side of Hollin's Lane and terminating at a point about sixty-six yards measured in a north-westerly direction therefrom.

A tramway No. 1K (a single or second line of tramway) three chains in length wholly in the Manchester Road aforesaid commencing at a point about twenty yards from the south-easterly corner of Culvert Street measured in a southerly direction and terminating at a point forty-six yards measured in a north-westerly direction therefrom;

A tramway No. 1L (a single or second line of tramway) three chains in length commencing in Manchester Road aforesaid at a point opposite the Hargreave's Arms Hotel and terminating at a point opposite the Swan Inn in Abbey Street;

A tramway No. 1M (a single or second line of tramway) three chains twelve yards in length wholly in Abbey Street aforesaid commencing at a point about sixteen yards north of the north-eastern corner of the Black Horse Inn and terminating at a point opposite Tasker Street;

A tramway No. 1N (a single or second line of tramway) seven chains and four yards in length commencing in Abbey Street aforesaid at a point about twelve yards from the line of the south-easterly side of Avenue Parade measured in a southerly direction and terminating at a point about twenty-one yards from the line of the northerly side of Marquis Street measured in a northerly direction;

A tramway No. 1O (a single or second line of tramway) three chains in length wholly in Whalley Road commencing at a point about thirteen yards from the south-easterly corner of Castle Street measured in an easterly direction and terminating

A.D. 1882.

at a point about fifty-six yards measured in a north-westerly direction therefrom;

A tramway No. 1P (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point opposite the centre of York Street and terminating at a point about sixty-six yards measured in a northerly direction therefrom;

A tramway No. 1Q (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point about fifty-two yards from the line of the north-westerly side of Lime Street measured in a southerly direction and terminating at a point about fourteen yards measured in a north-westerly direction therefrom;

A tramway No. 1R (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point about six yards measured in a north-westerly direction from the line of the north-westerly side of Cromwell Street and terminating at a point about seventy-two yards measured in a north-westerly direction therefrom;

A tramway No. 1s (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point about sixty-six yards from the termination of Tramway No. 1 measured in a south-easterly direction and terminating at a point conterminous with the termination of Tramway No. 1;

A tramway No. 2 (a single line except where by the construction of Tramway No. 2A Tramway No. 2 will become a double line) one furlong and five chains in length wholly situate in the township of Altham in the parish of Whalley aforesaid commencing at the southerly boundary of the said township at a point in the centre of the Whalley Road by a junction with the proposed Tramway No. 1 and thence continuing along Whalley Road and terminating at the north-westerly boundary of the township of Altham at a point in the centre of Whalley Road aforesaid about eleven yards from the north-easterly corner of the Greyhound Inn measured in a northerly direction;

A tramway No. 2A (a single or second line of tramway) three chains in length wholly in the Whalley Road aforesaid commencing at a point one hundred and thirty-five yards measured in a north-westerly direction from the commencement of Tramway No. 2 and terminating at a point about two hundred and one yards measured in a north-westerly direction therefrom;

A.D. 1882.

A tramway No. 3 (a single line except at the points and in the cases next herein-after mentioned where by the construction of Tramways 3A 3B 3C and 3D respectively Tramway No. 3 will become a double line) four furlongs three chains and fourteen yards in length wholly situate in the township of Clayton-le-Moors in the parish of Whalley aforesaid commencing at the south-eastern boundary of the said township at a point in the centre of Whalley Road aforesaid coincident with the termination of the proposed Tramway No. 2 and thence continuing along Whalley Road and terminating at a point in the centre of the said road on the south side of the bridge carrying the said road over the Leeds and Liverpool Canal about forty-five yards from the south-easterly corner of the Albion Hotel measured in a northerly direction;

A tramway No. 3A (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point about one hundred and twelve yards measured in a north-westerly direction from the commencement of the proposed Tramway No. 3 and terminating at a point about one hundred and seventy-eight yards measured in a north-westerly direction therefrom;

A tramway No. 3B (a single or second line of tramway) three chains in length wholly in Whalley Road aforesaid commencing at a point in the said road opposite the public-house commonly known as the Load of Mischief Inn and terminating at a point opposite to the Hare and Hounds public-house in the said Whalley Road;

A tramway No. 3C (a single or second line of tramway) three chains in length wholly in the Whalley Road aforesaid commencing at a point in the line of the northerly side of Mill Street and terminating at a point in the centre of the Whalley Road about twenty yards from the north-east corner of the Commercial Inn in the said road measured in a south-easterly direction;

A tramway No. 3D (a single or second line of tramway) three chains in length wholly in the Whalley Road aforesaid commencing at a point about thirty-four yards from the south-easterly corner of the Albion Hotel in the said Whalley Road measured in a south-easterly direction and terminating at a point about thirty-five yards measured in a northerly direction therefrom;

A tramway No. 4 (a single line except at the points and in the cases next herein-after mentioned whereby the construction of

A.D. 1882.

Tramways 4A 4B 4C and 4D respectively Tramway No. 4 will become a double line) five furlongs two chains and eighteen yards in length wholly situate in the township and borough of Accrington in the parish of Whalley aforesaid commencing in Whalley Road aforesaid by a junction with the proposed Tramway No. 1 at a point about ten yards from the centre and junction of the Whalley and Burnley Roads measured in a south-easterly direction and passing thence along through and in the said Burnley Road and terminating at the north-easterly boundary of the said borough at a point in the centre of the said Burnley Road about three hundred and fifty-three yards from the north-easterly corner of the Bank Brewery in the said road measured in a north-easterly direction;

A tramway No. 4A (a single or second line of tramway) three chains in length commencing in Whalley Road aforesaid by a junction with the proposed Tramway No. 1N at a point about ten yards from the centre and junction of the Whalley and Burnley Roads measured in a south-easterly direction and terminating in the centre of the said Burnley Road at a point about thirty-six yards from the line of the south-westerly side of Moore Street measured in a south-westerly direction;

A tramway No. 4B (a single or second line of tramway) three chains in length wholly in the Burnley Road aforesaid commencing at a point opposite Addison Street and Windsor Street and terminating at a point about eleven yards from the line of the south-westerly side of Arago Street and Cambridge Street measured in a south-westerly direction;

A tramway No. 4C (a single or second line of tramway) three chains in length wholly in Burnley Road aforesaid commencing at a point in the centre of Burnley Road about sixteen yards from the south-west corner of the Bank Brewery in the said road measured in a northerly direction and terminating at a point in the centre of the said road about thirty yards from the north-westerly corner of the said Bank Brewery measured in a north-easterly direction;

A tramway No. 4D (a single or second line of tramway) three chains in length wholly in the Burnley Road aforesaid commencing at a point about seventy-six yards from the termination of the proposed Tramway No. 4 measured in a south-westerly direction and terminating at a point ten yards from the termination of the proposed Tramway No. 4 measured in a south-westerly direction;

A tramway No. 5 (a single line except where by the construction of Tramway No. 5A Tramway No. 5 will become a double line) one furlong in length wholly situate in the said township and borough of Accrington and parish of Whalley commencing in Whalley Road by a junction with the proposed Tramway No. 1N herein-after mentioned at a point about ten yards from the centre and junction of Whalley Road and Peel Street measured in a north-westerly direction and passing thence along through and in Peel Street and terminating in the Blackburn Road by a junction with the proposed Tramway No. 6 (herein-after mentioned) at a point about fifteen yards from the north-west corner of the Commercial Inn measured in a north-westerly direction;

A tramway No. 5A three chains in length commencing in the Whalley Road by a junction with the proposed Tramway No. 1 at a point about ten yards from the centre and junction of the Whalley Road and Peel Street measured in a north-westerly direction and terminating at a point about ten yards from the south-easterly corner of Pleck Road measured in a southerly direction;

A tramway No. 6 (a single line except at the points and in the cases next herein-after mentioned whereby the construction of Tramways 6A 6B 6C 6D 6E 6F and 6G respectively Tramway No. 6 will become a double line) one mile eight chains and four yards in length wholly situate in the township and borough of Accrington in the parish of Whalley commencing in Abbey Street by a junction with the proposed Tramway No. 1 at a point about ten yards from the centre and junction of Abbey Street and Blackburn Road measured in a southerly direction and passing thence along through and in the said Blackburn Road and terminating at the western boundary of the said borough at a point in the centre of the Blackburn Road about seventy-three yards from the south-west corner of Tanpits Road measured in a westerly direction;

A tramway No. 6A (a single line or second line of tramway) three chains in length commencing in Abbey Street aforesaid by a junction with the proposed Tramway of No. 1M at a point about ten yards from the centre and junction of Abbey Street and Blackburn Road measured in a southerly direction therefrom and terminating at a point about fifteen yards from the north-west corner of the Odd Fellows Home Beer-house measured in an easterly direction;

A.D. 1882.

A tramway No. 6B (a single or second line of tramway) three chains in length wholly in Blackburn Road aforesaid commencing at a point about twenty-five yards from the north-west corner of the Commercial Hotel measured in a westerly direction and terminating at a point about ninety-one yards from the same point measured in a westerly direction;

A tramway No. 6C (a single or second line of tramway) three chains in length wholly in Blackburn Road aforesaid commencing at a point about sixteen yards from the north-east corner of Eagle Street measured in an easterly direction and terminating at a point in the centre of the said Blackburn Road about ten yards from the east side of the bridge carrying the Lancashire and Yorkshire Railway over the said road measured in an easterly direction;

A tramway No. 6D (a single or second line of tramway) three chains in length wholly in the Blackburn Road aforesaid commencing at a point about twenty-eight yards from the western side of the Imperial Hotel in the said road measured in a westerly direction and terminating at a point about thirty yards from the north-east corner of Fox Street measured in a westerly direction;

A tramway No. 6E (a single or second line of tramway) three chains in length wholly in the Blackburn Road aforesaid commencing at a point about fifteen yards from the south-west corner of Portland Street measured in a south-westerly direction and terminating at a point in the said road about eight yards from the north-west corner of Lang Street measured in a north-easterly direction;

A tramway No. 6F (a single or second line of tramway) three chains in length wholly in Blackburn Road aforesaid commencing at a point in the said road about sixteen yards from the north-easterly corner of Grimshaw Street measured in a westerly direction and terminating at a point in the said road about fourteen yards from the north-west corner of Barlow Street measured in a north-westerly direction;

A tramway No. 6G (a single or second line of tramway) three chains in length wholly in Blackburn Road aforesaid commencing opposite Leyland Street and Persia Street and terminating at a point about twenty yards from the north-east corner of Rutland Street measured in a north-westerly direction.

A tramway No. 7 (a single line except at the point and in the case next herein-after mentioned where by the construction of Tramway 7A Tramway No. 7 will become a double line) one furlong and ten yards in length or thereabouts wholly situate in the township of Church in the parish of Whalley aforesaid commencing at the easterly boundary of the said township at a point in the centre of Blackburn Road by a junction with the proposed Tramway No. 6 and passing thence along through and in the said Blackburn Road and terminating at a point opposite the Commercial Inn by a physical junction with the Tramway No. 4 authorised by the Blackburn Improvement Act 1882. 45 & 46 Vict. c. ccxliii.

A tramway No. 7A (a single or second line of tramway) three chains in length wholly in the Blackburn Road aforesaid commencing at a point about four yards from the commencement of the proposed Tramway No. 7 measured in a westerly direction and terminating at a point about eight yards from the south-west corner of Oswald Street measured in a southerly direction.

All which said tramways will pass from through or into or be situate in the township and borough of Accrington and townships of Altham Clayton-le-Moors and Church in the parish of Whalley and county palatine of Lancaster.

Period for completion of tramways.

6. If the tramways be not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much of the tramways as are then completed.

Inspection by Board of Trade.

7. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Carriages may be moved by animal or steam power.

8. The carriages used on the tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary to the said Board by steam power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in Schedule (A) to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order

A.D. 1882.

which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for using steam or mechanical power contrary to Act or regulations.

9. Any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the said Schedule (A) or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also to a daily penalty not exceeding five pounds Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the company or person using steam or any mechanical power on the tramways under the authority of this Act has wilfully made default in complying with the provisions of this Act or with any of the regulations set forth in Schedule (A) or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct such company or person to cease to exercise the powers aforesaid and thereupon such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

10. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

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

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 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 regulations and byelaws 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.

As to recovery of penalties.

11. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act so far as it relates to tramways and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

12. 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 tramway shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for retricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws.

13. All orders 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 of Trade.

Penalty for not maintaining rails and road in good condition.

14. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways shall for the time being consist and the substructure upon which such rails rest and if the Corporation at any time fail to comply with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall be subject to a daily penalty not exceeding five pounds In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with such provision or with any of such requirements the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the

A.D. 1882.

Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

As to rails of tramways.

15. The rails of the tramway shall be such as the Board of Trade may approve.

Further provisions as to construction of tramways.

16. Before opening or breaking up any road for the purpose of constructing laying down maintaining or renewing any of the tramways the Corporation shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved of by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plans and statement Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street.

Tramways to be kept on level of surface of road.

17. If and whenever after the passing of this Act the Corporation in the case of roads within the borough or any other local or road authority in the case of roads beyond the limits of the borough shall alter the level of any road along or across which any part of the tramways is laid the Corporation may and shall at their own expense from time to time alter (or as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Corporation may be required to use improved form of rails.

18. The Board of Trade if they shall so think fit may from time to time require the Corporation 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 Corporation shall with all reasonable dispatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Sewer authorities to have access to sewers.

19. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of and under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Additional crossings &c. may be made where necessary.

20. The Corporation may from time to time hereafter in any public street and with the consent of the owners lessees and occupiers thereof in any private street or lands lay down make and maintain all such crossings passing-places junctions curves turn-outs and other works in addition to those particularly specified in and authorised by this Act as may from time be necessary or convenient for the due and satisfactory working of their tramways or any of them or for facilitating the traffic of the streets or roads in which the same are laid and for providing access to any stables carriage-houses buildings sheds or works of the Corporation Provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Corporation express his objection thereto.

Substituted tramways may be made where necessary.

21. Where by reason of the execution of any work affecting the surface or soil or the alteration of any street road or thoroughfare along which any of the tramways are laid it shall in the opinion of the Corporation be necessary or expedient so to do the Corporation may from time to time alter remove or discontinue all or any part of such tramway and make or lay down and maintain in the street road or thoroughfare so altered widened diverted or otherwise interfered with or as the case may be or require temporarily in any other and adjacent street road or thoroughfare a substituted tramway.

Application of road materials excavated within borough.

22. Any paving metalling material matters or substances excavated by the Corporation in the construction of their works from any street or road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated elsewhere.

23. Any paving metalling or material excavated by the Corporation in the construction of the tramways from any street road or thoroughfare under the jurisdiction or control of any other road authority may be applied by the Corporation so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or

A.D. 1882.

material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such a manner as they may think fit Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Traffic upon tramways.

24. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Corporation may use tramways for sanitary purposes.

25. The Corporation may at such times and in such manner as they may think fit but subject to the byelaws for the time being in force with respect to the tramways use the tramways for the conveyance of scavenging stuff refuse ashes coal building material road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Tolls for passengers.

26. The lessees under any lease made by the Corporation may demand and take for every passenger travelling upon any of the tramways or any part thereof any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile shall be deemed a mile) but the lessees may charge for any less distance than three miles any sum not exceeding threepence.

Tolls for animals goods &c.

27. The lessees may demand and take for all animals goods minerals and parcels conveyed upon the tramways any tolls not exceeding the rates per mile following :

For every horse mule or other beast of draught or burden per mile not exceeding threepence ;

For every ox cow bull or head of cattle per mile not exceeding threepence ;

For every calf pig sheep and small animal per mile not exceeding twopence ;

For all coals culm cannel limestone chalk lime slates clay ironstone undressed or scabbled stones for building pitching and paving slag stone salt sand cinders and all undressed material for the repair of public roads per ton per mile not exceeding twopence ;

For all iron pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron not otherwise specifically classed herein and for heavy iron castings (including railway chairs) tiles bricks coke charcoal dung manure and compost per ton per mile not exceeding fourpence;

For all timber or wood per ton per mile not exceeding threepence;

For all sugar grain corn flour hides dyewood earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile not exceeding fivepence;

For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton per mile not exceeding sixpence;

For every carriage of whatever description per mile not exceeding one shilling;

For any parcel not exceeding in weight seven pounds threepence;

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

For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight any sum.

Regulations as to tolls.

28. The lessees may demand and take the following tolls (that is to say):

For animals and goods carried for any less distance than three miles tolls and charges as for three miles;

For a fraction of a mile tolls and charges on animals and goods as for a mile;

For a fraction of a ton tolls according to the numbers of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons any sum per ton not exceeding three shillings;

A.D. 1882.

For any animals goods minerals and parcels conveyed in or upon the carriages of such company or person any sum or sums not exceeding one half of the tolls or charges herein-before by this Act authorised in respect of such animals goods minerals and parcels so conveyed and the Corporation may if they think fit so commute such tolls or charges as that the commuted sum may be as near as possible an equivalent of such tolls and charges.

Servants of Corporation to ride in carriages &c. free of charge.

35. The company or person so using the tramways or any part thereof left open to be used by the public and their officers and servants shall permit the person or persons duly authorised in that behalf by the Corporation to ride free of charge for the whole or any part of the journey in or upon each carriage waggon truck or vehicle in or upon which any passengers animals minerals parcels or goods shall be conveyed by such company or persons upon the tramways or such part thereof.

Certain provisions of 33 & 34 Vict. c. 78. as to licensees extended to persons using the tramways when left open to be used by the public.

36. The provisions contained in the following sections of the Tramways Act 1870 (namely):

Section 36 (in default of payment of tolls licensees carriages may be detained and sold);

Section 37 (licensees to give account of passengers carried by them);

Section 38 (licensees not giving account of passengers carried liable to penalty);

Section 39 (disputes as to amount of tolls to be settled by justice) and

Section 40 (owners of carriages liable for damage done by their servants);

shall so far as the same are applicable in this behalf extend and apply mutatis mutandis to the company or person so using the tramways or any part thereof left open to be used by the public and in construing those sections for the purpose aforesaid—

The expression "the licensee" or "licensees" shall mean the company or person so using the tramways or any part thereof;

The expression "passengers" shall include animals goods minerals and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods minerals or parcels conveyed and

The expression "carriage" shall include any waggon truck or vehicle in or upon which such animals goods minerals or parcels shall be conveyed.

Lessees not to be bound to carry goods &c. unless as provided herein.

37. The lessees or any company or person using the tramways shall not except as by this Act otherwise provided be bound to carry unless they think fit any animals goods minerals or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provision as to carriage of goods &c.

38. Animals goods minerals and parcels shall be carried in separate carriages or separate parts of carriages set apart for that purpose Provided that this shall not apply to the carriage of passengers luggage.

As to payment of tolls.

39. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the lessees company or person authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

Cheap fares for labouring classes.

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

Form and delivery of notices.

41. With respect to notices and to the delivery thereof by or to the Corporation the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing or print or partly in writing and partly in print and if given by any local authority or any road authority shall be signed by their clerk or secretary;

(2) Any notice to be delivered by or to the Corporation to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of that authority body or company or of the Corporation as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

A.D. 1882.

Notice to road authorities before steam or mechanical power is used.

42. Before the lessees of the Corporation if authorised or permitted to use steam or any mechanical power upon the tramways or any part thereof proceed to do so either within or beyond the borough they shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they intend to use such power are or is situated.

As to contracts with road authority where steam or mechanical power is to be used.

43. Where at the time of the giving of any such notice as aforesaid any contract agreement or arrangement is in force with respect to the user by the lessees of the Corporation or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the lessees of the Corporation to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the lessees of the Corporation by such notice or for such road authority by notice to be served upon the lessees of the Corporation not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power upon any of the tramways or any part thereof beyond the borough under the authority of this Act and thereafter from time to time the lessees of the Corporation and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the lessees of the Corporation or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the lessees of the Corporation to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the lessees of the Corporation as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the lessees of the Corporation or the lessees of the Corporation after request in writing by any

such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways beyond the borough to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways beyond the borough unless there is in force in relation to the tramways or such portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time.

44. Where steam or any mechanical power is used by the lessees of the Corporation on the tramways or any part thereof beyond the borough under the authority of this Act no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the lessees of the Corporation or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the lessees of the Corporation to such road authority of any annual or other sum in relation to such user

A.D. 1882.

paving and keeping in repair of such road shall continue in force for any period exceeding two years at any time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Carriages or horses unfit for use may be removed.

45. The Corporation may cause to be removed from the tramways any carriage or horse which is certified by an officer to be appointed by the Corporation to be unfit for use upon the tramways Provided that every certificate made by such officer to the Corporation shall be in writing and shall state fully the particulars in which the opinion of such officer the carriage or horse (as the case may be) is unfit for use and notice of every such certificate setting forth the particulars contained in the said certificate shall (except in case of emergency) be served upon the lessee or other person owning or using such carriage or horse prior to any action being taken thereon by the Corporation Provided further that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such carriage or horse the same shall be settled by two justices who shall have regard to all the circumstances of the case.

Power of Corporation to borrow.

46. The Corporation may from time to time independently of any other borrowing power borrow at interest on the security of the borough fund and borough rate and of the other rates and revenues of the Corporation for the purposes of the tramways and works authorised by this Act sums not exceeding in the whole forty-five thousand pounds and may mortgage the borough fund and borough rate to secure repayment thereof with interest accordingly and for the purpose of such borrowing the Corporation may include in any mortgage of the borough fund or borough rate the rents reserved under any lease made under the authority of this Act and the tolls charges and sums authorised to be taken or received by them under the provisions of this Act.

Repayment of borrowed moneys.

47. All moneys borrowed by the Corporation under this Act shall be repaid within a period not exceeding sixty years from the time of borrowing in all or any of the following modes (that is to say) by equal annual instalments of principal or of principal and interest or by appropriations or annual repayments or by a sinking fund or sinking funds and the amounts to be applied in each year in

or towards such repayment shall be determined by the Local Government Board. A.D. 1882.

Form of mortgage.

48. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration. All the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account and the provisions contained in sections 236 to 239 both inclusive of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under the powers of this Act except when any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in those provisions shall mean the Corporation.

Power to borrow under 38 & 39 Vict. c. 83.

49. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such fund rates and securities shall in each case be deemed the local rate as defined by the Local Loans Act 1875.

Every such loan shall be discharged within sixty years from the time of borrowing in such manner as the Local Government Board shall determine.

Protection of lenders from inquiry.

50. A person lending money to the Corporation shall not be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

51. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered on their books and the Corporation shall not be bound to

A.D. 1882.

see to the application of the money paid on any such receipt or be answerable and accountable for any loss misapplication or non-application of any of such money.

Saving existing charges.

52. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rates or any of them by way of annuity mortgage or otherwise subsisting at the commencement of this Act and every annuitant mortgagee and incumbrancer and person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any mortgage or debenture stock granted under this Act.

Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

53. The powers of borrowing money by this Act given shall not be restricted by any of the provisions contained in sections 233 and 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Application of borrowed money.

54. The Corporation shall apply all moneys borrowed by them under the provisions of this Act:

First in payment of the costs charges and expenses of and incidental to the preparing applying for and obtaining of this Act;

Secondly in and towards the laying down and construction of all or any of the works authorised by this Act.

Application of tramway revenue.

55. The Corporation shall keep accounts in respect of their tramway undertaking and the rents or receipts therefrom and separate from all their other accounts and shall apply all money from time to time received by them in respect of their tramway undertaking except borrowed money and moneys properly applicable on capital account as follows:—

In payment of expenses (if any) properly chargeable to revenue and to the Corporation as distinguished from their lessees;

In payment of the interest upon the money by this Act authorised to be borrowed by the Corporation;

In providing the requisite instalments appropriations annual repayments or sinking fund under this Act in relation to moneys borrowed for purpose of their tramway undertaking;

and shall carry to the borough fund any balance remaining in any year.

Power to re-borrow.

56. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of lands acquired under the powers of this Act they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amendments from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside and the instalments appropriations or annual repayments to be made in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Sinking fund.

57. If the Corporation determine to pay off any moneys borrowed under this Act by means of a sinking fund they shall every year set apart and appropriate a sum of money which shall be equal to such an amount as will be sufficient with accumulations to pay off the principal moneys raised from time to time under and for the purposes of this Act in sixty years from the date of borrowing in each case and the Corporation may from time to time cause such sinking fund to be invested in the purchase of Government securities or of bonds or debentures or debenture stock of any public body constituted by Act of Parliament or of joint stock companies incorporated by Act of Parliament and paying dividends upon their ordinary capital and may from time to time change any investment made by them of any such money for any other or others of the investments authorised by this Act.

Sinking fund may be applied in paying off debt.

58. The Corporation may at any time apply any sinking fund created by them under this Act or any part thereof in or towards the discharge of the principal moneys or to the redemption of stock to the discharge of which the sinking fund is applicable Provided that in such case they pay into such sinking fund in each year afterwards and invest as herein-before prescribed until the whole of the borrowed moneys or stock to which such sinking fund is applicable is discharged or redeemed a sum equal to the interest produced by the sinking fund or the part thereof so applied Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest on such mortgage then outstanding or on the stock subsisting the Corporation may in lieu

A.D. 1882.

of investing the said yearly income apply the same in payment of such interest and may during such period discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

If at any time the rents and revenues of the tramway undertaking prove insufficient to meet the whole of the interest on the moneys borrowed under this Act and the payments to the sinking fund or the instalments appropriations or annual repayments then the deficiency shall be made good out of the borough fund or borough rate.

Annual return to Local Government Board with respect to sinking fund.

59. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid by way of instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by some responsible officer of the Corporation by statutory declaration if so required by the said Board showing the amount which has been paid off by way of instalment and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same and the interest thereof has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by the Local Government Board in a summary manner If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment and to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments under the Local Loans Act 1875.

Agreements between Corporation

60. The Corporation and any road authority may subject to the provisions of this Act from time to time enter into any contracts

or agreements with respect to the laying down construction maintaining renewing repairing working and using of the tramways or any part thereof situated within the district of such road authority and the rails plates sleepers and works connected therewith and as to the streets roads or places in or along which the tramways may be laid and for facilitating the passage of carriages and traffic over and along the same And the Corporation so far as may be necessary or expedient for any of the purposes aforesaid or in connexion therewith may similarly enter into contracts or agreements with any tramway omnibus gas or water company.

and road authorities &c.

61. If at any time hereafter any urban sanitary authority beyond the limits of the borough other than the Church Local Board or the Clayton-le-Moors Local Board shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion or portions of the tramways by this Act authorised as shall lie or be or have been constructed within the district of such urban sanitary authority respectively such authority having duly obtained the consent of the Local Government Board to such purchase the Corporation shall sell to such urban sanitary authority such portion or portions of the tramways described in such notice as aforesaid at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and such sanitary authority or as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 by an arbitrator to be appointed for such purpose by the Local Government Board on the application of the parties and the proceeds of any such sale shall be carried by the Corporation as capital to the borough fund Every such agreement shall be evidenced by a deed duly stamped in which the consideration shall be fully set forth From and after any such purchase by an urban sanitary authority such authority shall as regards the tramways purchased have and enjoy the rights and powers and be subject to the obligations of the Corporation under this Act except as regards any power to borrow money and the Corporation shall apply the purchase money of any tramways sold in paying off money borrowed under this Act.

Power to Corporation to sell portions of tramway beyond borough.

62. Where under the provisions of the Tramways Act 1870 and this Act any matter or difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as to arbitration. 17 & 18 Vict. c. 125.

A.D. 1882.

For the protection of the Lancashire and Yorkshire Railway Company.

63. For the protection of the Lancashire and Yorkshire Railway Company in respect of the several bridges herein-after mentioned under their railway viz. :—

(A) A bridge under which Tramway No. 1 will pass which said bridge crosses the Whalley Road between Castle Street and Milnshaw Lane;

(B) A bridge under which Tramway No. 6 will pass which said bridge crosses the Blackburn Road in immediate proximity to the Crown Hotel on the easterly side thereof;

The following provisions shall apply and have effect

In constructing the tramways under any of the said bridges the Corporation shall not alter or interfere with the construction of the said bridges respectively or of the approaches thereto and they shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto and in the event of any injury being occasioned to any of the said bridges or the approaches thereto or any part or parts thereof by the construction of the tramways whether such injury shall occur either during or after the construction or in effecting the maintenance of the tramways or in or by the working or user thereof the said company may at the expense of the Corporation restore such bridges and the approaches thereto or the part or parts thereof which may be injured to as good a state and condition as they respectively were in before such injury was occasioned and the Corporation shall recoup to and indemnify the said company against all sums costs and expenses which they may pay or be put to in maintaining and repairing so much of the road under the said bridges and the approaches thereto as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the said company may recover from the Corporation all such sums costs and expenses as also any moneys expended by the said company in restoring the said bridges and the approaches thereto as aforesaid together with full costs and charges by all and the same means as any simple contract debt is recoverable.

For the protection of the Clayton-le-Moors Local Board, &c.

64. For the protection and benefit of the local board for the district of Clayton-le-Moors in the county of Lancaster (herein-after called "the board") and to enable the board to purchase the tramways within its district the following provisions shall have effect (that is to say):—

1. The Tramways Nos. 5 5A 1 1N 1O 1P 1Q 1R 1S 2 2A 3 3A 3B 3C and 3D shall be completed according to the deposited plans on or before the 31st day of December 1886 and from 30

and after that date the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall notwithstanding anything in this Act contained cease to be exercised and be at an end.

2. The board may purchase and the Corporation shall sell and transfer to the board such of the tramways by this Act authorised as is situate within the district of the Board and the works and materials connected therewith and any lands and buildings (within the district) acquired for the purposes of this Act subject to the terms and conditions following (that is to say) :—

(A) The board may purchase the tramways by this Act authorised situate within its district and premises at any time within two years from the completion of the Tramways Nos. 5 5A 1 1N 1o 1P 1Q 1R 1s 2 2A 3 3A 3B 3c and 3D on giving one month's notice in writing of its intention to purchase under the hand of its clerk to the Corporation.

(B) In case the board shall not purchase the tramways by this Act authorised situate within its district and premises within the said period of two years then and in such case the board shall be precluded from purchasing the said tramways and premises for a period of ten years from the completion and opening of the said Tramways Nos. 5 5A 1 1N 1o 1P 1Q 1R 1s 2 2A 3 3A 3B 3c and 3D but at the expiration of that period or at any time thereafter the board may purchase the said tramways and premises situate within its district on giving twelve months notice in writing of its intention to purchase under the hand of its clerk to the Corporation.

(c) The purchase by the board of the tramways by this Act authorised situate within the district of the board and premises shall be made subject to any lease or leases thereof which may have been granted by the Corporation but no lease of any of the said tramways and premises shall be granted by the Corporation for a term exceeding five years to take effect in possession from the making thereof Immediately after the completion of the purchase of the said tramways by the board the board shall be entitled to a proportionate part of the rent reserved according to the length of tramways in its district and to the benefit of the covenants

A.D. 1882.

contained in any such lease or leases so far as the same relate to such length.

(D) The price to be paid by the board to the Corporation for the tramways by this Act authorised situate within the district of the board and premises shall be the actual cost paid by the Corporation for constructing and making the same with interest thereon at the rate of four pounds ten shillings per cent. per annum from the respective times when the amounts on account of such actual cost shall have been respectively paid by the Corporation for the construction of the said tramways to the date of the opening of the said tramways and one fourteenth part or share of the cost of obtaining this Act calculated as if the same had been an unopposed Bill whether that shall have been the case or not.

(E) The contract for the construction of the tramways by this Act authorised situate within the district of the board shall be a separate contract settled by a joint committee of six persons whereof three persons shall be appointed by the Corporation and three persons by the board and such contract shall be subject to the same specification and inspection as the construction of the length of tramways from the bottom of Peel Street at its junction with Blackburn Road in the borough of Accrington being Tramways Nos. 5 5A 1 1N 1O 1P 1Q 1R 1S 2 and 2A will be and shall bind the contractor to make good all subsidences of the road along or over which any of the said tramways shall pass for twelve months after each of the said tramways shall be open for public traffic.

(F) The Corporation shall keep separate accounts of all sums paid by them for the construction of the tramways by this Act authorised situate within the district of the board and for the premises and such accounts and all specifications drawings and bills to vouch the said accounts shall from time to time and at all times up to the completion of the purchase of the tramways within the district of the said board and within a reasonable time after demand be produced by the Corporation to the board or its clerk and a copy of such accounts shall at the request and expense of the board be furnished by the Corporation to the board within

three months from the completion of the said Tramways Nos. 5 5A 1 1N 1o 1P 1Q 1R 1s 2 2A 3 3A 3B 3C and 3D and such accounts shall be conclusive evidence of the cost of the said tramways in the event of the board purchasing the same.

(G) On payment by the board to the Corporation of the price or purchase money of the said tramways within the district of the board ascertained as aforesaid the said tramways and premises shall be vested in the board and a proper deed of conveyance thereof duly stamped shall be executed by the Corporation to the board at the sole cost of the board The Corporation shall not within the said period of ten years without previously offering the same to the board sell to any person corporation or company their undertaking within the district of the board The provisions of this section shall be in addition to and not in substitution for the forty-third section of the Tramways Act 1870 and sections 19 and 44 of that Act shall apply in the case of a purchase under this section.

3. In the event of the board purchasing the tramways authorised by this Act within its district and premises the Corporation and the board shall after the expiration of any lease or leases which may have been granted for a term not exceeding five years as aforesaid let the tramways from the bottom of Peel Street at its junction with Blackburn Road in the borough of Accrington to Canal Bridge in the district of the board being Tramways Nos. 5 5A 1 1N 1o 1P 1Q 1R 1s 2 2A 3 3A 3B 3C and 3D as shown on the deposited plans at a separate and distinct rent from the other tramways authorised by this Act and of such rent two-third parts thereof shall be paid to the Corporation and one-third part thereof to the board and the Corporation and the board respectively shall in the same portions pay all costs of repairing and maintaining the said tramways and all rates taxes and other payments in respect of the same.

4. From and after the completion of the Tramways Nos 5 5A 1 1N 1o 1P 1Q 1R 1s 2 2A 3 3A 3B 3C and 3D authorised by this Act carriages thereon shall be run without break or interruption except for taking up and setting down passengers from the junction of Peel Street with Blackburn Road in the borough of Accrington to Canal Bridge aforesaid on all occasions at a single or through fare.

A.D. 1882.

5. The Corporation shall maintain in good repair the tramways and shall pave with the best granite setts and to the satisfaction of the surveyor to the board so much of the road as lies between the rails of the tramways and so much of the road as extends eighteen inches beyond the rails of and on each side of the tramways within the district of the board until the board shall purchase the said tramways Nos 3 3A 3B 3C 3D and (where two tramways are laid by the Corporation in any road at a distance of not more than four feet from each other) the portion of the road between the tramways and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway Provided always that if the Corporation fail to comply with the provisions of this section the board may after four days notice to the Corporation break up the road and do the works necessary for the repair and maintenance or restoration of the roads and the expenses incurred by the board in doing so shall be paid by and be recoverable from the Corporation and as between the Corporation and the board the certificate of the surveyor to the board shall be conclusive evidence of the amount of such expense.

For the protection of the local board of health for the district of Church.

65. For the protection of the local board of health for the district of Church and in relation to such of the tramways by this Act authorised as are within the district of the local board the following provisions shall have effect:—

1. The local board shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain or under the control of the local authority as if the same were a pipe for the supply of gas or water.

(A) The provisions of section 30 (provision as to gas and water companies) section 32 (rights of authorities and companies &c. to open roads) and section 33 (differences between promoters and road authority &c.) of the Tramways Act 1870 shall subject to the other provisions of this section extend and apply to the apparatus and sewers of the local board and to the local board in respect thereof and in construing these sections for the

purposes of this section the word "company" shall include the local board.

(B) All works by this Act authorised which may in any way interfere with such apparatus or sewers may if the local board so think fit be executed by the local board but at the cost in all things of the Corporation.

(C) If by reason of the construction or maintenance of the tramways any new substituted or additional apparatus or sewers be requisite the cost of constructing providing and laying of such apparatus and sewers shall be paid by the Corporation subject to credit being given to the Corporation for the value of any apparatus and sewers rendered useless by the construction or maintenance of the tramways Provided that if such substituted apparatus or sewers be of larger dimensions or better quality than those for which the same are substituted the additional costs arising therefrom shall unless such larger dimensions or better quality be required by reason of the tramways be borne by the local board.

(D) The local board may on giving twenty-four hours previous notice to the Corporation or tramway authorities stop delay or suspend the working of the tramways in any of the streets or roads within their district as well for police purposes and for regulating and facilitating traffic on any public occasion as for the execution of any works of the local board or any individual or for any other purpose which the local board in the exercise of their powers for the good government of their district or the safety of the public be necessary Provided that such stoppage delay or suspension shall continue only as long as may be reasonably necessary for the purposes aforesaid or any of them.

(E) The Corporation in the exercise of their powers shall do as little damage as may be and shall make compensation to the local board for any damage sustained by them by reason or in consequence of the exercise of such powers.

(F) The local board shall not either during the progress of the works or at any time thereafter be liable for any loss which may accrue to the Corporation or tramway authority by reason of any suspension of or interference with the traffic on the tramways nor for any accidental damage or injury not occasioned by the wilful act or default of the local board to the tramways works or

A.D. 1882.

property of the Corporation or tramway authority or to any person or thing travelling on or conveyed or using the tramways or any street or road in which they may be laid.

(G) Nothing in this Act shall be held or construed in any manner to diminish alter prejudice or take away any of the rights powers or authorities of the local boards.

(H) The word "apparatus" in this section includes gas and water mains syphons plugs valves fire-cocks hydrants and all apparatus now or hereafter to be used for the supply of gas or water and the word "sewers" includes all present and future public and private sewers and drains manholes ventilating shafts and other works connected therewith.

(I) In the event of the Corporation constructing any tramway or tramways by this Act authorised within the district of the local board the provisions of sections 43 and 44 of the Tramways Act 1870 shall apply as to any tramway or tramways within the district of the local board and the promoters of tramways referred to in the said sections shall mean and include the Corporation Provided that the periods at which the local board may require the Corporation to sell to them the tramway or tramways within the district of the local board under section 43 of the Tramways Act 1870 shall notwithstanding anything in that Act contained be within six months after the expiration of a period of ten years from the time when the tramway or tramways within the district of the local board has or have been open for traffic and within six months after the expiration of every subsequent period of seven years Provided further that in the event of a sale of any tramway by the Act authorised within the district of the local board such sale shall be subject to all or any existing leases contracts or agreements relating thereto and to any provisions contained in the Bill for an Act entitled Blackburn Improvement Act 1882 now pending if sanctioned by Parliament enabling the Corporation and the Blackburn Corporation to grant licenses and nothing herein contained shall operate to confer upon the local board a power to grant any license to any company persons or person being the lessees or lessee of any tramway so purchased by the local board over any tramway belonging to the Corporation or the Blackburn Corporation

But in the event of the Blackburn Corporation granting any license under the power aforesaid over any tramway so to be purchased by the local board a proportion of the mileage toll per carriage to be paid by the Blackburn Corporation shall be paid to the local board the amount in case of dispute to be settled by the Board of Trade.

(J) In the event of the local board exercising the powers of purchase herein-before conferred after any tramway by this Act authorised shall have been constructed within the district of the local board and opened for traffic and shall then or at any time thereafter have a physical junction with any tramway belonging to the Corporation or with any tramway physically connected with any tramway belonging to the Corporation it shall be lawful for the Corporation subject to the provisions herein and in the Tramways Act 1870 contained and to all byelaws and regulations of the local board for the time being in force to grant licenses to any company persons or person being the lessees or lessee of any tramway belonging to the Corporation to run carriages with flanged wheels over and upon the rails of any tramway having such physical junction as aforesaid within the district of the local board upon payment to the local board of a mileage toll per carriage to be fixed and from time to time altered and amended in case of dispute by the Board of Trade Provided always that the powers conferred by every license by this subsection authorised to be granted shall be so exercised as not to interfere with or impede or in any way prejudice or obstruct the local board their lessees or lessee in the full use and enjoyment of the tramway from time to time belonging to the local board Provided further that in case of any dispute between the Corporation and the local board respecting any matter arising out of the granting of any such license as aforesaid 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 conferred by this subsection as they shall deem fit and by any such order or regulation the said board may limit the exercise of any of the powers aforesaid.

A.D. 1882.

As to alteration of gauge.

66. Notwithstanding anything in this Act or the deposited plans contained the tramways shall be constructed on a gauge of four feet and Tramway No. 7 shall be so constructed as to admit of the formation of a physical junction with Tramway No. 4 authorised by the Blackburn Improvement Act 1882 at the termination of the last-mentioned tramway and so as to admit of interchange of traffic without change of carriages.

Provision as to general Acts.

67. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made or the Corporation or any corporation company or person using the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Expenses of Act.

68. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be borne by the Corporation and shall be paid by them out of the borough fund and borough rate or out of moneys borrowed on the security thereof as aforesaid.

SCHEDULE.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient. Break power of engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted As to fittings of engines &c.

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or in propelling such carriage. As to carriages.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways. Inspection of engines and carriages.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of ten miles an hour. As to speed

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour. Points.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.