CHAPTER cxxix.

An Act to revive the powers and extend the period for construction of the Blackpool Saint Anne's and Lytham Tramways in the County Palatine of Lancaster and for other purposes. [20th July 1896.]

A.D. 1896.

WHEREAS by the Blackpool Saint Anne's and Lytham Tramways Act 1893 (in this Act referred to as "the Act of 1893") the Blackpool Saint Anne's and Lytham Tramways Company (in this Act called "the Company") were incorporated and authorised to make and maintain tramways from Blackpool to Lytham in the county palatine of Lancaster:

And whereas by the Act of 1893 it was provided that the period for construction of Tramway No. 1 by the Act of 1893 authorised should not commence to run till the expiration of one year from the passing of that Act and that if the mayor aldermen and burgesses of the borough of Blackpool (in the Act of 1893 and herein-after in this Act called "the Corporation") should within such year have bonâ fide commenced to construct so much of the Tramways Nos. 11 12 and 13 authorised by the Blackpool Corporation Tramways Order 1893 included in and confirmed by the Tramways Orders Confirmation Act 1893 as is situate between a point four chains south of the commencement of the said Tramway No. 11 and the southern boundary of the borough (and which portion of Tramways Nos. 11 12 and 13 are in the Act of 1893 referred to as "the demised tramways") and should duly proceed with and complete the same ready for public traffic within two years from the passing of the Act of 1893 so as to form a continuous and uninterrupted line of communication with Tramway No. 2 by the Act of 1893 authorised including proper and

A.D. 1896.

sufficient communication between the double lines at the point of commencement thereof to permit of cars passing from one line to the other then the powers by the Act of 1893 given to the Company for constructing Tramway No. 1 by that Act authorised should cease and determine but otherwise the same should remain in full force and be exercisable by the Company for the space of two years from the expiration of one year from the passing of the Act of 1893 subject nevertheless to the provisions in that Act contained for the granting by the Corporation to the Company of a lease of the said portion of tramways on the terms and conditions in the Act of 1893 and the form of lease in the second schedule to that Act contained:

And whereas it was provided by the Act of 1893 that the Company should not commence Tramway No. 2A thereby authorised without the consent in writing of the Lancashire and Yorkshire and London and North Western Railway Companies (in the said Act and herein-after referred to as "the two Companies") and that if the Company owing to their not having obtained such consent should be unable within the time limited by the Act of 1893 to construct and complete Tramway No. 2A the Company might at any time within twelve months from their obtaining such consent construct and complete the said Tramway No. 2A:

And whereas the consent of the two Companies has not yet been obtained and the powers for construction of Tramway No. 2A are still in force:

And whereas the Corporation have constructed and completed the said Tramways Nos. 11 12 and 13 within the period limited by the Act of 1893 and the Company have constructed and completed the junction between Tramway No. 2 authorised by the Act of 1893 and the said Tramway No. 13 and have proceeded with and are rapidly completing the tramways other than Tramways Nos. 1 and 2A by the Act of 1893 authorised:

And whereas the period limited by the Act of 1893 for the completion of the tramways thereby authorised other than Tramways Nos. 1 and 2A was limited to two years from the passing of that Act and expired on the twenty-fourth day of August one thousand eight hundred and ninety-five:

And whereas it is expedient that the powers and time for constructing and completing the tramways authorised by the Act of 1893 other than Tramways Nos. 1 and 2A by that Act authorised should be revived and extended and that the Act of 1893 should be in other respects amended and extended:

And whereas it is expedient that the Company should be authorised to acquire and work omnibuses and other vehicles in connection with their tramways and to enter into arrangements with proprietors of omnibuses and other vehicles as in this Act provided:

And whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand six hundred and one pounds eighteen shillings and ten pence was deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for the Act of 1893 representing five per centum upon the amount of the estimate in respect of the tramways by that Act authorised:

And whereas it was provided by section 25 of the Act of 1893 that so much of the deposit fund as was applicable to Tramway No. 1 by that Act authorized should be repaid to the depositors if and so soon as the Corporation should commence to construct the tramways authorized by the Blackpool Corporation Tramways Order 1893 referred to in section 6 of the Act of 1893:

And whereas pursuant to an Order of Mr. Justice Chitty dated the thirtieth day of August one thousand eight hundred and ninety-four the sum of nine hundred and fourteen pounds nine shillings and nine pence being so much of the deposit fund as was applicable to Tramway No. 1 by the Act of 1893 authorized was repaid to the depositors leaving a fund in Court of one thousand six hundred and eighty-seven pounds nine shillings and one penny representing five per centum upon the amount of the estimate in respect of the tramways by that Act authorized other than Tramway No. 1:

And whereas pursuant to an Order of Mr. Justice Chitty bearing date the twenty-seventh day of September one thousand eight hundred and ninety four the said fund in Court of one thousand six hundred and eighty-seven pounds nine shillings and one penny was invested in the purchase of one thousand six hundred and sixty-four pounds ten shillings and nine pence two and three quarters per centum Consolidated Bank Annuities and the said sum of one thousand six hundred and sixty-four pounds ten shillings and nine pence two and three quarters per centum Bank Annuities is in this Act referred to as "the deposit fund":

And whereas it is expedient that the powers in this Act contained to the Company on the one hand and the Corporation and any company or person owning leasing or working tramways in

A.D. 1896.

connection with the tramways of the Company on the other hand to enter into agreements should be sanctioned :

And whereas plans and sections showing the lines and levels of the tramways the powers for the construction of which are by this Act revived and books of reference thereto were duly deposited with the Clerk of the Peace for the county palatine of Lancaster and are herein-after referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Blackpool St. Anne's and Lytham Tramways Act 1896.

Interpretation.

2. Clause 3 "Interpretation" of the Act of 1893 shall be read and have effect as if it were re-enacted in and formed part of this Act Provided that the expression "the tramways" shall mean the tramways the powers for construction of which are by this Act revived.

Revival of powers to complete tramways authorised by the Act of 1893.

3. Subject to the provisions of the Act of 1893 (so far as the same are applicable and except so far as the same are varied or altered by this Act) and of this Act the powers conferred on the Company by the Act of 1893 for making forming laying down working using and maintaining the Tramways Nos. 2 2B 3 4 and 5 in the Act of 1893 described are by this Act revived and the Company may in the lines and according to the levels shown upon the deposited plans and sections make form lay down continue work use and maintain with all proper rails plates works and conveniences connected therewith the following tramways (that is to say) :—

Tramway No. 2 of which 2 miles 7 furlongs 8·82 chains is single line and 4 furlongs 6 chains is double line commencing at the termination of Tramway No. 13 of the Corporation constructed under the provisions of the Blackpool Corporation Tramways Order 1893 and proceeding thence in a westerly direction and crossing the bridge over the Blackpool and Lytham Branch of the Preston and Wyre Railway and thence along Clifton Drive South and terminating in that

road at the boundary line between the district of Saint Anne's-on-the-Sea and the township of Lytham;

Tramway No. 2B 1·25 chains in length is wholly double line commencing by a junction with Tramway No. 2A at a point 0·65 chains north-east of the intersection of Saint Anne's Road with Clifton Drive and proceeding thence along and terminating in Clifton Drive South at a point 0·80 chains south of the intersection of Saint Anne's Road with Clifton Drive;

Tramway No. 3 of which 1 mile 5 furlongs 7·30 chains is single line and 2 furlongs 7 chains is double line commencing by a junction with Tramway No. 2 at its point of termination and passing thence along Clifton Drive South thence proceeding along Ansdell Road thence along Cambridge Road along the highway leading from Blackpool to Lytham thence along Church Road thence along Clifton Square and terminating in that square at a point 1·86 chains south of the intersection of Henry Street with Clifton Square;

Tramway No. 4 2 furlongs 7·15 chains wholly single line commencing in Church Road by a junction with Tramway No. 3 at a point 1 chain west of the intersection of Queen Street with Church Road passing along Hastings Place thence along Approach Road thence along Westby Street thence along Park Street and terminating by a junction with Tramway No. 3 at a point 5·20 chains east of the intersection of Queen Street with Church Road;

Tramway No. 5 5·40 chains in length wholly single line commencing by a junction with Tramway No. 4 at a point 0·66 chains south of the intersection of Westby Street with Hastings Place passing along Westby Street and terminating in that street by a junction with Tramway No. 4 at a point 0·90 chains west of the intersection of Park Street with Westby Street.

Deposit fund not to be repaid except so far as tramways opened.

4. Notwithstanding anything contained in the Act of 1893 but subject to the provisions of this Act the deposit fund or the balance thereof as the case may be shall not be transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the Parliamentary Deposits Act 1846 or the survivor of them (which persons or survivor are and is in the Act of 1893 and in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion

A.D. 1896.

of the tramways open the same for the public conveyance of traffic and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of traffic then on production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion which the length of the tramways so opened bears to the entire length of the tramways hereby authorised the High Court shall on the application of the depositors or the survivor of them order the portion of the deposit fund specified in the certificate to be transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding.

Application of deposit.

5. If the Company do not previously to the expiration of the period by this Act limited for the completion of the tramways complete the same and open them for the public conveyance of traffic then and in every such case the deposit fund or so much thereof as shall not have been re-transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof and also in compensating all road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be transferred to such receiver

or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be retransferred to the depositors Provided that until the deposit fund has been retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on application of the depositors.

Period for completion of works.

6. If the tramways other than Tramway No. 2B are not completed within one year from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramways or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that the period for construction of Tramway No 2B shall be coextensive with the time limited for construction of Tramway No. 2A authorised by the Act of 1893.

Repeal of sub-section (8) of section 6 of the Act of 1893 and confirmation of agreement.

7. Sub-section (8) of Section 6 of the Act of 1893 is hereby repealed and the agreement dated the fifteenth day of June one thousand eight hundred and ninety-six as set forth in the schedule to this Act and made between the Corporation of the one part and the Company of the other part is hereby confirmed and made binding on the parties thereto and the lease to be granted in pursuance of the said agreement shall be accepted by the Company in lieu of and shall be deemed to be the lease which the Company were entitled to require the Corporation to grant under sub-section (1) of section 6 of the Act of 1893.

Power to enter into working arrangements with the Corporation and others.

8. The Company on the one hand and the Corporation and any company or person owning leasing or working tramways or either of those bodies or any such person on the other hand may subject to the provisions of the Tramways Act 1870 and with the sanction and approval of the Board of Trade enter into and carry into effect arrangements and agreements for leasing or using their respective tramways or for working the same in connection with each other but nothing herein contained shall authorise the Company to enter into any arrangement or agreement with regard to leasing acquiring working or using by the Company of any tramway or tramways not connecting with and capable of being worked in connection with the tramways or some or one of them And the Company and any such company or person as aforesaid may in respect of traffic upon any such tramways so leased or used by

A.D. 1896.

them respectively demand and take such rates and charges as are for the time being legally chargeable in respect of traffic on such last-mentioned tramways Provided that nothing herein contained shall confer upon the Corporation the right to place or run carriages upon or to work any tramway.

Arrangements with other companies or persons as to rolling stock.

9. The Company may subject to and in accordance with the provisions of the Act of 1893 and as regards any tramways or portions of tramways leased by the Corporation to the Company subject to the terms of the form of lease scheduled to the Act of 1893 and of the agreement scheduled to this Act as to the use of mechanical power on the tramways enter into and carry into effect arrangements and agreements with any other company or person for the supply and the use upon any tramways leased or worked by the Company of any form of traction or mechanical power and may from time to time alter vary or rescind any such arrangements and agreements and may from time to time acquire any patents patent rights or licences to use patents not being exclusive for or in connection with any such traction or mechanical power.

The Company or any other company or person using any mechanical power on any of the tramways shall use such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Company or such other company or person to cease to use such system and the Company or such other company or person shall thereupon cease to use such system and shall not again use 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.

For protection of the Postmaster General.

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

(1.) The Company 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 Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company 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 Company of their electric lines and works or by the working of the undertaking of the Company the Company 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 Company 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 Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work ;

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

(4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

A.D. 1896.

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having 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 Company 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 :

(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 Company 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 Company by indictment action or otherwise in relation to any of the matters aforesaid :

(11.) In this section the expression "the Company" includes their lessees and any person owning working or running

carriages on any of the tramways of the Company and the expressions "tramways" and "undertaking" include any tramways worked or used by the Company:

(12.) Section 27 (Provisions for protection of the Postmaster General) of the Act of 1893 is hereby repealed.

Provisions as to use of electric power.

11. The provisions of section 28 of the Act of 1893 are hereby repealed and the following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

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

(2.) The Company 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:

(3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with the regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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:

(4.) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations 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 in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such

A.D. 1896.

penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use 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:

(5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously 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 Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be deter-

mined 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.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes :

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

Power to acquire and work omnibuses.

12. The Company may for the purposes of traffic to and from the termination of the tramways in Lytham and the shipyard in Lytham and to and from the tramways in Lytham and Saint Anne's and the railway stations at those places respectively and along the sea front at Fairhaven and to and from Great Marton and the Camp Ground at Stony Hill Road acquire and work omnibuses and other vehicles in connection with the tramways and may demand and take tolls and fares for the use of such omnibuses and other vehicles not exceeding the tolls and fares which they are authorised to demand and take in respect of the tramways and may enter into and carry into effect arrangements and agreements with the proprietors of omnibuses and other vehicles for the hire and use of any omnibuses and other vehicles and the tolls and fares to be charged therefor.

Amending section 61 of the Act of 1893.

13. Notwithstanding anything in section 61 of the Act of 1893 contained the Company may with the consent in writing under their respective common seals of the respective local and road authorities through whose districts the tramways are constructed and worked attach to any carriage running on the tramways one other carriage.

Provision as to general Tramway Acts.

14. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or 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 the Act of 1893.

Costs of Act.

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

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

MEMORANDUM of agreement made the fifteenth day of June one thousand eight hundred and ninety-six between the mayor aldermen and burgesses of the borough of Blackpool acting by the council and herein-after called "the Corporation" of the one part and the Blackpool Saint Anne's and Lytham Tramways Company incorporated by the Blackpool Saint Anne's and Lytham Tramways Act 1893 (herein-after referred to as "the Act of 1893") and herein-after called "the Company" of the other part Whereas under the powers conferred upon them by the Blackpool Corporation Tramways Order 1893 (herein-after referred to as "the Order of 1893") the Corporation have constructed the tramways in that Order described as Tramways Nos. 11 12 and 13 and the same have been opened for public traffic and are now being worked by the Corporation And whereas the Company are constructing the tramways described in the Act of 1893 as Tramways Nos 2 3 4 and 5 and intend that the same shall shortly be opened for public traffic And whereas the last-mentioned tramways have not been completed and opened for public traffic within the time in that behalf limited by the Act of 1893 but a Bill is being promoted by the Company in the present session of Parliament to revive the powers and extend the time for the completion of the tramways by the Act of 1893 authorised other than Tramway No. 2A therein described and amongst other things to authorise the Company on the one hand and the Corporation on the other hand subject to the provisions of the Tramways Act 1870 and with the sanction and approval of the Board of Trade to enter into and carry into effect arrangements and agreements for leasing or using their respective tramways or for working the same in connection with each other And whereas by the Act of 1893 it is enacted that subject and provided as therein mentioned the Corporation shall grant to the Company a lease of so much of the said Tramways Nos. 11 12 and 13 by the Order of 1893 authorised as is situate between a point 4 chains south of the commencement of the said Tramway No. 11 and the southern boundary of the borough and that such lease should be in the form and for the term and subject to the conditions in the form set forth in the second schedule to the Act of 1893 And whereas the Corporation are promoting in the present session of Parliament a Bill intituled the Blackpool Improvement Bill whereby amongst other things they seek powers to work and demand and take tolls and charges in respect of any tramways for the time being belonging to them which tramways include the said tramways or portion of tramways described in the Act of 1893 as the demised tramways And whereas the Corporation have lodged a petition against the said Bill promoted by the Company and the Company have lodged a petition against the said Bill promoted by the Corporation And whereas it has been mutually agreed between the parties hereto that for the purpose of avoiding Parliamentary contest and for providing for the mutual

working of the tramways of the Company and certain portion of the tramways of the Corporation respectively as a continuous line and for the advantage of the public using the same the following provisions shall have effect Now it is hereby witnessed as follows :—

1. The Corporation shall grant and the Company shall accept a lease of so much of the tramways of the Corporation in Lytham Road in the said borough as extends from the southern boundary of the said borough to a point 0·64 chains south of an imaginary straight line drawn in continuation across Lytham Road of the northerly side of the northerly footway of Station Road in the said borough and which last-mentioned point for the purposes of identification is shown on the plan drawn upon this agreement and thereon marked "northern termination of tramways to be leased" provided that the Corporation shall not be required to grant the said lease nor shall the Company be entitled to the same or to use the last-mentioned portion of tramways unless and until the tramways of the Company between Saint Anne's Road in Saint Anne's-on-the-Sea and the southern boundary of the borough of Blackpool by the Act of 1893 authorised shall have been opened for public traffic.

2. The terms of such lease shall so far as the same are applicable be such as are referred to or contained in sub-sections (3) (4) (5) and (6) of section 6 of the Act of 1893 and in the form of lease comprised in the second schedule to the Act of 1893 provided that the percentage by way of rent payable by the Company to the Corporation shall be calculated and charged upon so much only of the aggregate outlay (including as in the Act of 1893 mentioned) incurred by the Corporation in connection with the construction of the tramways of the Corporation in Lytham Road aforesaid as has been actually incurred in connection with the construction of the portion thereof hereby agreed to be leased to the Company.

3. The amount of outlay upon which such percentage or rent is to be calculated shall be such as shall be agreed between the Company and the Corporation or as in case of difference between them for the space of three calendar months from the date of the said Bill now being promoted by the Company receiving the Royal Assent as shall be settled by a referee to be appointed by the Board of Trade on the application of either party hereto and such reference shall be deemed to be a reference within section 33 of the Tramways Act 1870.

4. Subject as herein-before provided the Corporation shall so soon as the tramways of the Company authorised by the Act of 1893 between Saint Anne's Road in Saint Anne's-on-the-Sea and the southern boundary of the borough of Blackpool shall have been opened for public traffic permit the Company to use the said portion of tramways described in clause 1 of this agreement and to be leased as aforesaid notwithstanding that the said lease may not have been actually executed or the amount of the outlay upon which the rent is to be calculated actually agreed or settled as aforesaid Provided nevertheless that the Company shall during such interim working perform and observe all such covenants and obligations in relation to the said last-mentioned portion of tramways

A.D. 1896.

so to be leased as aforesaid and the traffic as they would be bound by and liable to perform and observe if the lease were granted and shall pay an apportioned part of the rent calculated upon the said amount of outlay to be agreed on or settled as aforesaid and shall observe all such bye-laws and regulations as are for the time being in force in relation to the tramways of the Corporation so far as the same are applicable.

5. The Company may at all times use as a motive power upon the said last-mentioned portion of tramways so to be leased as aforesaid gas traction if such motive power shall be approved by the Board of Trade as the motive power to be used on the tramways of the Company.

6. Notwithstanding anything contained in the Blackpool Improvement Act 1893 or the Order of 1893 the Corporation during the continuance of the lease to be granted as aforesaid shall not be entitled to run upon use or work the said last-mentioned portion of tramways so to be leased as aforesaid except as mentioned in the form of lease set forth in the second schedule to the Act of 1893 or to let or demise the same or give any right power or privilege of any kind as to running upon using or working the same to any company person or corporation other than and except with the consent in writing of the Company.

7. The Corporation and the Company agree as from the opening for public traffic of the said tramways of the Company between Saint Anne's Road in Saint Anne's-on-the-Sea and the southern boundary of the borough of Blackpool to establish a complete system of through facilities for all kinds of traffic authorised by the said form of lease as regards the portion of tramways so to be leased as aforesaid which shall be conveyed upon the tramways of the Corporation running from the northern termination of the said last-mentioned portion of tramways so to be leased as aforesaid viâ Lytham Road and thence viâ the carriage drive north of Lytham Road to the North Pier at Blackpool and upon the tramways of the Company (including the said last-mentioned portion of tramways so to be leased to the Company as herein-before provided) and the Corporation and the Company will each provide the other in the conduct of traffic with all needful facilities including through booking through rates and fares through invoices and interchange of traffic and conveniently timed cars at the northern termination of the said last-mentioned portion of tramways so to be leased as aforesaid and so as to form as far as reasonably can be a continuous line of tramway accommodation and communication viâ Lytham Road and thence viâ the carriage drive north of Lytham Road between Lytham and the North Pier in Blackpool and all intermediate places and vice versâ and so as to avoid as far as reasonably may be any delay or inconvenience to passengers passing from the tramways of the Corporation in Lytham Road to and over the tramways of the Company (including as aforesaid) and vice versâ but in no case shall the Corporation or the Company respectively be under any obligation for any purpose to keep any of their cars waiting for a car of the other of them for a longer period than fifteen minutes The Corporation and the Company respectively shall in distinct and legible letters notify upon the outside of their respective cars running in connection with the cars upon the tramways of the other

of them that such cars respectively run in connection with cars of the Corporation or the Company as the case may be.

8. The apportionment and division of through rates and fares between the Corporation and the Company shall be made on the basis of the local rate or fare charged by each for the use of their respective tramways (including as aforesaid).

9. The Corporation and the Company shall for the purposes of such through traffic mutually adopt a suitable system of tickets and checks including the bell punch system or such other system of check as may be mutually agreed upon and shall mutually make and use their best endeavours to enforce such bye-law or bye-laws as are usually made by tramway companies with reference to the production and delivery up of tickets and shall require and compel as far as possible the conductors of their respective cars to keep and enter up proper and sufficient way-bills for recording the number of passengers carried and the amounts of fares received and the points between which such tickets and fares are available upon and over the respective tramways of the Corporation and the Company (including as aforesaid) and the inspectors of the Corporation and the Company respectively may enter upon the cars belonging to the Corporation and the Company respectively running in connection as aforesaid and examine such way-bills and tickets.

10. The Corporation and the Company shall respectively keep all such accounts and vouchers as shall be proper and sufficient for the purpose of showing the amounts from time to time received by each on account of the other which accounts shall be open at all reasonable times to the inspection and transcription of the Corporation and the Company respectively and their respective agents and each of them the Corporation and the Company shall furnish to the other at the end of each week a true and accurate account of all through fares received by them respectively and each of them shall at the same time or within one week thereafter pay over to the other any balance that may be due by either of them to the other upon any such account and the balance so due shall be a debt due to the party entitled to such balance and recoverable by them with interest after the rate of £4 per cent. per annum from the date of such account in any court of competent jurisdiction.

11. As between the Corporation and the Company each of them shall be solely liable for their own acts and defaults and each of them shall indemnify and save harmless the other of them from all damage loss claims and demands which may happen or be made sustained or incurred by or against one of them but which shall result from any act or default of the other of them.

12. In every case in which any difference may arise between the Corporation and the Company touching the true intent and meaning of this agreement or touching anything to be done suffered or omitted in pursuance of this agreement or touching any of the incidents or consequences of this agreement or touching any breach or non-fulfilment or any alleged breach or non-fulfilment of this agreement or touching any liability damages losses costs or expenses by reason of any such

A.D. 1896.

breach or non-fulfilment or alleged breach or non-fulfilment or touching any claim or demand relating to any such liability damages losses costs or expenses or otherwise relating to the premises every such difference shall except as in this agreement otherwise expressly provided be referred to and determined by a referee to be appointed by the Board of Trade in manner provided by section 33 of the Tramways Act 1870.

13. This agreement shall be scheduled to and confirmed by the Blackpool Saint Anne's and Lytham Tramways Bill now pending in Parliament and shall be subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration herein it shall be competent to either party to withdraw the same.

In witness whereof the Corporation and the Company have hereunto caused their respective common seals to be affixed the day and year first before written.

The common seal of the mayor aldermen and burgesses of the borough of Blackpool was affixed to the within written indenture by the authority of the council of the said borough in the presence of

L. S.

JAMES CARDWELL
Mayor

by T. LOFTOS
Town Clerk.

The common seal of the Blackpool St. Anne's and Lytham Tramways Company was hereunto affixed in the presence of

L. S.

A. PILLING
HENRY P. HOLT } Directors.

E. H. TURNER Secretary.

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