CHAPTER cxc.

An Act for empowering the Manchester Suburban Tramways Company to construct further Tramways in the neighbourhood of Manchester; and for other purposes. A.D. 1879.

[24th July 1879.]

WHEREAS the construction of the tramways herein-after described, in connexion with and in extension of certain authorised tramways in and in the neighbourhood of the city of Manchester and the borough of Stockport respectively, would be of public and local advantage, it is expedient that the Manchester Suburban Tramways Company (in this Act called "the Company") should be authorised to construct the same:

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised, and books of reference to such plans, have been deposited with the clerks of the peace for the counties of Lancaster and Chester respectively, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects 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; that is to say,

Short title.

1. This Act may be cited for all purposes as the Manchester Suburban Tramways Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,) the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect

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to the entry upon lands by the promoters of the undertaking, and section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act, 1870:

32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (namely,)

8 & 9 Vict. c. 16.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested:

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

26 & 27 Vict. c. 118.

Interpretation of terms.

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

The expressions "the tramways" and "the undertaking" shall mean the tramways and works and the undertaking respectively by this Act authorised, and the expression "the Act of 1878" shall mean the Manchester Suburban Tramways Act, 1878:

41 & 42 Vict. c. cxli.

The word "contingencies" in the Companies Clauses Consolidation Act, 1845, section one hundred and twenty-two, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act, 1870, section forty-three, at a sum less than the aggregate amount of the capital and debts of the Company:

And for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incor

porated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make tramways according to deposited plans, &c.

4. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

The Swinton Lines, one mile three furlongs seven chains and three yards in length, the whole of which is double line, except two chains at the termination thereof, to be wholly situate in the townships of Pendlebury and Swinton, in the parish of Eccles, in the county of Lancaster, and consisting of the tramways numbered on the deposited plans as follows; that is to say,

Tramways Numbers 1 and 1A, commencing respectively in Manchester Road by junctions with the tramways authorised by the Salford Improvement Act, 1875, at their termination at the boundary of the township of Pendleton, at points eighteen yards and fifteen yards or thereabouts respectively south of the public lamp-post at the corner of Manchester Road and Bolton Road, and passing thence in a north-westerly direction along Manchester Road and Chorley Road, and terminating at a point in Chorley Road eighteen yards or thereabouts north of the north-westerly corner of Partington Lane, being the corner of Swinton Parish Churchyard.

38 & 39 Vict. c. ci.

The Stockport Lines, two furlongs three chains and fourteen yards in length, of which seven chains and twenty-one yards is single line, and five chains and fifteen yards is double line, to be situate wholly in the townships of Heaton Norris and Stockport, in the borough of Stockport, in the parishes of Manchester and Stockport, in the counties of Lancaster and Chester, and consisting of the tramways numbered on the deposited plans as follows; (that is to say,)

Tramways Nos. 4, 4A, and 4C, commencing in Wellington Road South by junctions with the tramways authorised by the Manchester Suburban Tramways Order, 1878, at points eighteen yards and sixteen yards respectively or thereabouts in an easterly direction from the northerly corner of the George Hotel, and passing thence in a south-easterly and northerly

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direction along Wellington Road South and St. Peter's Gate, and terminating in St. Peter's Square at a point twenty-three yards or thereabouts in a north-easterly direction from the northerly corner of St. Peter's School: Provided always, that in lieu of constructing so much of Tramway No. 4 as is situate between the commencement and termination of the tramway described upon the deposited plans as Tramway No. 4B as shown upon the said plans, the Company shall construct the same along the centre of the street.

The Audenshaw Lines, one mile one furlong four chains and fifteen yards in length, of which one mile one furlong two chains and eight yards is double line, and two chains seven yards is single line, to be wholly situate in the township of Droylsden in the parish of Ashton-under-Lyne, in the county of Lancaster, and consisting of the tramways numbered on the deposited plans as follows; (that is to say,)

Tramways Nos. 5, 5A, 5B, and 5C, commencing in the Manchester and Saltersbrook turnpike road by junctions with the tramways authorised by the Act of 1878, at their termination near the boundary of the townships of Openshaw and Droylsden, at a point forty yards or thereabouts in a westerly direction from the westerly corner of the road leading to Fairfield railway station, and passing thence in a north-easterly direction along and terminating in the said road at a point twelve yards or thereabouts in a south-easterly direction from the easterly corner of the Snipe Inn; and

Tramways Nos. 7 and 7A, commencing in the Manchester and Saltersbrook turnpike road by junctions with Tramways Nos. 6 and 6A, herein-after described, at their termination at the boundary of the townships of Ashton-under-Lyne and Droylsden, and passing thence in a north-easterly direction along the said road, and terminating at the boundary of the townships of Droylsden and Ashton-under-Lyne at a point one hundred and sixty-four yards or thereabouts in a north-easterly direction from the easterly corner of the Snipe Inn.

The Ashton-under-Lyne Lines, two miles two furlongs and twenty yards in length, of which one mile five furlongs nine chains and eighteen yards is double line, and four furlongs one chain and two yards is single line, to be wholly situate in the township of Ashton-under-Lyne, in the parish of Ashton-under-Lyne, in the county of Lancaster, consisting of the tramways numbered on the deposited plans as follows; (that is to say,)

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Tramways Nos. 6 and 6A, commencing in the Manchester and Saltersbrook turnpike road by junctions with Tramways Nos. 5 and 5c at their termination respectively, and passing thence in a north-easterly direction along and terminating in the said road at the boundary of the townships of Ashton-under-Lyne and Droylsden at a point ninety-eight yards or thereabouts in a north-easterly direction from the easterly corner of the Snipe Inn; and

Tramways Nos. 8, 8A, 8B, 8C, 8D, 8E, and 8F, commencing in the Manchester and Saltersbrook turnpike road by junctions with Tramways Nos. 7 and 7A at their termination, and passing thence in a north-easterly and easterly direction along the Manchester and Saltersbrook turnpike road and Stamford Street, and terminating in that street at the boundary of the townships of Ashton-under-Lyne and Stalybridge at a point forty-seven yards or thereabouts in an easterly direction from the easterly corner of Higham Fold.

The Stalybridge Lines, six furlongs and three chains in length, of which five furlongs nine chains and five yards is double line, and three chains and seventeen yards is single line, to be situate wholly in the township of Stalybridge, in the parish of Ashton-under-Lyne, in the county of Lancaster, consisting of the tramways numbered on the deposited plans as follows; (that is to say,)

Tramways Nos. 9 and 9A, commencing at Stamford Street at the boundary of the townships of Ashton-under-Lyne and Stalybridge at a point forty-seven yards or thereabouts in an easterly direction from the easterly corner of Higham Fold, and passing thence in an easterly direction along and terminating in the said Stamford Street at a point fifteen yards or thereabouts from the easterly corner of the wall at the corner of Market Street at its junction with the said road.

The Ashton Old Road Lines, two miles one furlong three chains and eighteen yards in length, of which one mile six furlongs and nine yards is double line, and three furlongs three chains and nine yards is single line, to be situate wholly in the townships of Droylsden and Ashton-under-Lyne, in the parish of Ashton-under-Lyne, in the county of Lancaster, consisting of the tramways numbered on the deposited plans as follows; that is to say,

Tramways Nos. 10, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 11, and 11A, commencing in Manchester and Saltersbrook turnpike road, otherwise called Ashton Old Road, by junctions

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with Tramways Nos. 5 and 5A respectively at points eighty-eight yards or thereabouts in a westerly direction from the westerly corner of the old toll-bar house at the junction of Ashton Old Road and Ashton New Road, and passing thence in an easterly and north-easterly direction along the Ashton Old Road, the Stockport Road, and Trafalgar Square, and terminating in Chester Square by junctions with Tramways Nos. 8 and 8A respectively at points thirty-three yards or thereabouts in a north-easterly direction from the easterly corner of Margaret Street.

Tolls.

5. The tramways by this Act authorised shall, for the purposes of tolls, rates, and charges, and for all other purposes whatever, be part of the undertaking of the Company.

Power to raise additional capital.

6. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise by the creation and issue of new shares any additional capital not exceeding in the whole seventy-two thousand pounds, and such new shares may be wholly or partially ordinary shares, or wholly or partially preference shares, as the Company think fit; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls.

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

8. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock created by the Company under this Act to which a preferential dividend shall be assigned.

Receipt in case of persons not sui juris.

9. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

10. The Company may, in respect of the additional capital of seventy-two thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage, in addition to the sums which they are already authorised to borrow, any sum or sums not exceeding in the whole eighteen thousand pounds, and of that sum they may borrow from time to time not exceeding six thousand pounds in respect of every twenty-four thousand pounds of the said additional capital, but no part of any such sum of six

thousand pounds shall be borrowed until shares for the whole of the respective portion of capital in respect of which it is to be borrowed are issued and accepted, and one half of such portion of capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the respective portion of capital have been issued and accepted, and that one half of such portion of capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

As to appointment of receiver.

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

Priority of moneys borrowed on mortgage.

12. All moneys to be borrowed on mortgage under any former Act relating to the Company, or under this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall (except as otherwise provided by the next following section of this Act) have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them; but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any of the powers conferred upon the Company.

Priority of existing mortgages.

13. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament

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before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Company not to create debenture stock.

14. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

16. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the forty-third section of the Tramways Act, 1870.

Application of moneys.

17. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

Mode of formation of tramways.

18. Every tramway of the Company constructed under the authority of this Act shall consist of a single pair of iron or steel rails laid and maintained in such manner as that the uppermost surface of the rail shall be on a level with the surface of the street or road on each side of such rail, and shall be constructed on the gauge of four feet eight and a half inches. The rails of the tramways shall be such as the Board of Trade may approve.

Traffic on roads not to be impeded.

19. During the construction of any works by this Act authorised in any road in any district the Company shall make such arrangements in relation to the execution of such works as may, in the opinion of the road authority of such district, be proper for preventing the traffic along such road from being unnecessarily impeded.

Provision as to paving roads.

20. So much of the road whereon the tramways are laid as lies between the rails of the tramway, and in the case of double lines so much of the road as comprises the space between each tramway, together with in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway, shall be paved by the Company, at their own expense, with granite cubes or sets, to the satisfaction of the road authority, or with such other paving as the road authority may approve.

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

21. The Board of Trade may from time to time, upon the application of the road authority of any district, require the Company to adopt and apply such improvements in the tramway within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Period for completion of works.

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

Inspection by Board of Trade.

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

Tramways to be kept level with surface of road.

24. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway of the Company is laid, the Company may and shall 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.

Further provisions as to construction of tramways.

25. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of any of the tramways, or part of any of the tramways respectively, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

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Penalty for not maintaining rails and roads.

26. The Company 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 for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision, or with any of the requirements of section 28 of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section 56 of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and roads.

27. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section 63 of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a secretary or assistant secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Sewer authorities to have access to sewers.

28. Every sewer 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, without the consent or concurrence of the Company, and the provisions contained in the thirty-second section of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

Power to make additional crossings, &c.

29. The Company may, subject to the provisions of this Act and with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they

find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners, or occupier or occupiers, of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto; and provided also, that any such altered, substituted, and additional crossings, passing-places, sidings, junctions, and other works shall in all respects be thereafter subject to the provisions of this Act and the Acts incorporated therewith as fully and effectually as if the same had been originally described or marked on the said deposited plans.

Application of road materials excavated in construction of works.

30. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may, if suitable for the purpose, and with the approval of the surveyor for the time being of the road authority, be applied by the Company, 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 Company are by section twenty-eight of the Tramways Act, 1870, required to maintain; and the Company shall remove such paving, metalling, and material from the roadway, and shall store the same in some convenient place to be reasonably approved of by the road authority; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the 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 Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company 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

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Tramways Act, 1870, with respect to differences between the promoters and any road authority.

For the purposes of this section the expressions "road authority" and "surveyor" used therein shall mean and include respectively the justices of the peace for the county palatine of Lancaster (in this Act called "the justices") and the surveyor of county and hundred bridges for the county palatine of Lancaster acting within the hundred of Salford in the said county (in this Act called "the county bridge surveyor"), and with reference to the justices and the county bridge surveyor the provisions of this section shall extend and apply as well to the tramways by this Act authorised as to the tramways authorised by the Act of 1878, and as regards such last-mentioned tramways as fully and effectually as if the same had been inserted in the said Act with reference thereto.

Protecting bridges, &c. under jurisdiction of the justices.

31. In constructing the tramways by this Act or the Act of 1878 authorised upon or over any bridge or any parts of the road at either end of any bridge under the jurisdiction of the justices, the Company shall not alter or interfere with the structure of such bridge or of the approaches thereto, and shall so construct and maintain the tramways in the road over such bridge and the approaches as not to injuriously affect such bridge and approaches; and in the event of any injury being occasioned to such bridge and approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways), the justices may restore such bridge and approaches, or the part or parts which may be injured, to as good a state as they were in before such injury was occasioned, at the expense of the Company, and the Company shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridge, and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870; and the justices may recover from the Company all such sums, costs, and expenses, together with full costs and charges, in any court of competent jurisdiction.

Power to purchase lands by agreement.

32. The Company may from time to time purchase by agreement, in addition to any other lands which they are authorised to acquire, any lands, not exceeding in the whole six acres, which they may require for any of the purposes of their undertaking.

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Protecting the Corporation of Manchester.

33. The following provisions for the protection of the mayor, aldermen, and citizens of the city of Manchester, in the county of Lancaster, (in this section referred to as "the corporation,") shall be in force and have effect, and shall extend and apply as well to the tramways by this Act authorised as to the tramways authorised by the Act of 1878, and as regards such last-mentioned tramways as fully and effectually as if the same had been inserted in the said Act with reference thereto:

(1.) Nothing in this Act or in the Act of 1878 contained shall authorise the Company to interfere with or use any tramway or tramways already or hereafter to be laid within the city of Manchester:

(2.) Sections 30, 32, and 33 of the Tramways Act, 1870, shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the gas and water mains, pipes, and apparatus belonging to the corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes; provided that all works or interference with or in connexion with the gas and water mains, pipes, or apparatus of the corporation under the 30th section of the Tramways Act, 1870, or otherwise, shall be made and executed by the corporation, and not otherwise, upon the request and at the cost of the Company:

(3.) The cost of constructing, providing, and laying any new gas or water mains, pipes, or apparatus in substitution for any which may be rendered useless by the construction of the tramways authorised by this Act or by the Act of 1878, and the value of any gas or water mains, pipes, or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Act or by the Act of 1878, shall, on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation, be repaid to the corporation by the Company:

Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus, the Company shall (unless the increased dimension be required by reason of the construction or existence of the said tramways) only be required to pay the costs which would have been incurred by the substitution of a main, pipe, or apparatus

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of equal dimensions with the existing main, pipe, or apparatus :

(4.) The corporation shall not be liable for, and the Company shall indemnify the corporation against all loss to the Company by reason of suspension of traffic, and all accidents, damages, or injuries either to the said tramways and to the works and property of the Company, and the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof, which may, either during the progress of the works of the Company or at any time hereafter, be caused by the bursting, breaking, or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company, or which may have been affected by the works of the Company, unless such accidents, damages, or injuries arise as the consequence of any wilful act or default of the corporation or their officers or servants :

(5.) All and singular the sum and sums of money in this section provided to be paid by the Company to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.

Protecting the mayor, aldermen, and burgesses of the borough of Salford.

34. For the protection of the mayor, aldermen, and burgesses of the borough of Salford, in this section referred to as the corporation, the following provisions shall have effect ; (that is to say,)

(1.) The word "apparatus" in this section includes gas and water mains, pipes, syphons, plugs, valves, fire-cocks, hydrants, and all apparatus used for the supply of gas or water :

(2.) 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 (difference 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 of the corporation and to the corporation in respect thereof ; and in construing those sections for the purposes of this section the word Company shall include the corporation :

(3.) All works which may in any way interfere with any such apparatus may, if the corporation so think fit, be executed by them, but at the cost in all things of the Company :

(4.) If by reason of the construction or maintenance of the tramways any new substituted or additional apparatus be requisite, the cost of constructing, providing, and laying of such apparatus shall be paid by the Company, subject to credit being given to the Company for the value of any apparatus rendered useless by the construction or maintenance of the tramways and removed by the corporation: Provided that if such substituted apparatus be of increased dimensions, the additional cost arising from such increase shall, unless such increase be required by reason of the tramways, be borne by the corporation:

(5.) The corporation shall not, either during the progress of the works or at any time thereafter, be liable for any loss which may accrue to the Company by reason of any suspension of or interference with the traffic on the tramways, nor for any accident, damage, or injury to the tramways, works, or property of the Company, or to any person or thing travelling or conveyed on or using the tramways, or any street or road in which they may be laid, if such loss, accident, damage, or injury shall be caused by the bursting or breaking of, or the leaking or escape of gas or water from, any apparatus of the corporation crossed or wholly or partially underneath or near to or affected by any of the tramways, unless such accident, damage, or injury shall have been caused by any wilful act or default of the corporation, their officers or servants:

(6.) All moneys to be paid by the Company to the corporation under or by reason of any provisions of this section shall be payable on demand, and in default thereof may be recovered, with full costs of suit, in any court of competent jurisdiction:

(7.) Nothing in this Act shall be construed so as to discharge, alter, or in anywise affect any covenant, condition, or provision of a lease dated the 27th day of July 1877, and expressed to be made between the corporation of the one part and William Turton and Daniel Busby of the other part, nor to lessen, alter, or prejudicially affect any rights, powers, interests, or remedies of the corporation thereunder:

(8.) Nothing in this Act shall authorise the Company to use or in any way interfere with any tramway, not being a tramway of the Company, which now is or hereafter shall be laid in the borough of Salford.

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Protecting the Swinton and Pendlebury Local Board.

35. In the making, working, and using of the tramways in this Act called the Swinton Lines, the following provisions for the protection of the local board for the district of Swinton and Pendlebury shall be observed and have effect:

(1.) The Company shall within two years from the passing of this Act complete and open for public traffic the Swinton Lines, and if they fail so to do they shall pay to the local board the sum of one hundred pounds as and for liquidated damages, and the same may be sued for and recovered by the local board in any court of competent jurisdiction:

Provided always, that if the corporation of the borough of Salford do not within the said period of two years complete and open for public traffic the tramways authorised by the Salford Tramways and Improvement Act, 1875, and therein distinguished by the Nos. 8 and 9, then and in that case the foregoing provision as to the period for the completion of the Swinton Lines shall be void and of no effect:

(2.) The Swinton Lines shall be constructed to the reasonable satisfaction in all respects of the surveyor of the local board:

(3.) Every tram car and carriage travelling upon the Swinton Lines which shall belong to or be used by the Company, their lessees, licensees, or assigns, shall travel without delays (except necessary stoppages for taking up or setting down passengers, and in cases of emergency,) from Swinton to Manchester and from Manchester to Swinton, and so that passengers shall not be required to change carriages at Pendleton or elsewhere:

(4.) The fares for passengers from Manchester to Swinton, or from Manchester to Pendlebury, and from Swinton to Manchester, or from Pendlebury to Manchester, shall not, unless with the consent of the said local board, exceed fourpence each inside and threepence each outside: Provided always, that if it appear to the Company that, upon application by them to the said local board, such consent is unreasonably withheld, the Board of Trade may authorise such increase of fares, not exceeding the statutory rate, as they think fit:

(5.) The Company, their lessees, licensees, and assigns, may use in the construction and maintenance of the Swinton Lines any suitable road materials which shall be necessarily

displaced in such construction, so long as such materials may be fit for use, without being required by the said local board to pay compensation therefor, but the road materials so used shall not by reason of such use become the absolute property of the Company. A.D. 1879.

Protecting the Corporation of Stockport.

36. In the making, using, and working of the Stockport Lines the following provisions for the protection of the Corporation of the borough of Stockport shall be observed and have effect; (that is to say,)

(1.) The Stockport Lines shall be completed and opened for public traffic at the same time as the tramways numbered 2 and 2A authorised by the Manchester Suburban Tramways Order, 1878:

(2.) Tramway No. 4c shall be so constructed as to commence at or near, but not (unless with the previous consent in writing of the said corporation) southwards of, the second furlong as marked on the deposited plans of Tramway No. 4:

(3.) Any company who may possess or work any tramway joining Tramway No. 4, and passing thence in the direction of Hazel Grove, may pass over and use so much of that tramway as is situate in St. Peter's Gate, and take up and set down passengers thereon, upon and subject to such terms and conditions as may be agreed on between the corporation, company, or person aforesaid and the Company, or as, failing agreement, may, on the application of either party, be determined by the Board of Trade.

Protecting the Audenshaw Local Board.

37. The following provisions for the protection of the local board for the district of Audenshaw, in this section called the local board, shall be in force and have effect:

(1.) The provisions contained in the sections of this Act of which the marginal notes are "Traffic in roads not to be impeded" and "Penalty for not maintaining rails and roads," shall be in addition to the provisions, stipulations, and liabilities contained in and imposed by sections 26, 27, and 28 respectively of the Tramways Act, 1870:

(2.) Any alteration of the rails of any tramway rendered necessary by the alteration of the level of any road within the district of the local board shall be effected subject to such reasonable regulations as the local board may prescribe:

(3.) If and when the old toll-bar house called on the deposited plans the Audenshaw Turnpike shall be removed, the

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Company shall lay a double line of rails instead of the single line shown on the said plans between the termination of Tramway No. 5A and the commencement of Tramway No. 5B, and whenever the Manchester and Saltersbrook turnpike road shall cease to be a turnpike road the Company shall lay a double line of rails instead of the single line of rails shown on the said plans between the termination of Tramway No. 5B and the commencement of Tramway No. 5C: Provided that nothing in this Act contained with respect to the paving, repair, and maintenance of any roadway or part of a roadway within the district of the said board shall affect or prejudice the liability of any railway or other company or person with respect thereto:

(4.) Notwithstanding the provisions of section 58 of the Tramways Act, 1870, or any agreement between the Company and the trustees of the Manchester and Saltersbrook turnpike road, nothing in such section or in any agreement made in pursuance thereof shall prejudice or affect the rights of the said local board or the liabilities of the Company in respect of the said Manchester and Saltersbrook turnpike road after the same shall have ceased to be a turnpike road, but the said local board shall have all the rights and authorities and the Company shall be subject to all the liabilities as to the said Manchester and Saltersbrook turnpike road which are given, granted, or imposed by this Act or any of the Acts herein-before mentioned, as fully and effectually as if at the passing of this Act the said Manchester and Saltersbrook turnpike road had been disturnpiked.

Protecting the Corporation of Ashton-under-Lyne.

38 The following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Ashton-under-Lyne, in the county of Lancaster (in this section referred to as the corporation), shall be in force and have effect:

(1.) Sections 30, 32, and 33 of the Tramways Act, 1870, shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the water mains, pipes, and apparatus belonging to the corporation in like manner as the same apply to a company or person being the owner of gas or water mains or pipes: Provided that all works or interference with or in connexion with the water mains, pipes, or apparatus of the corporation under section 30 of the Tramways Act, 1870, or otherwise,

may be made and executed by the corporation, if they so think fit, upon the request and at the cost of the Company:

(2.) The cost of constructing, providing, and laying any new water mains, pipes, or apparatus in substitution for any water mains, pipes, or apparatus belonging to the corporation which may be rendered useless by the construction of the tramways, and the value of any water mains, pipes, or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Act, shall, on demand, and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation, be repaid to the corporation by the Company: Provided always, that whenever any new main, pipe, or apparatus of larger dimensions shall be substituted for any existing main, pipe, or apparatus belonging to the corporation, the Company shall (unless the increased dimension be required by reason of the construction or existence of the tramways) only be required to pay the costs which would have been incurred by the substitution of a main, pipe, or apparatus of equal dimensions with the existing main, pipe, or apparatus:

(3.) The corporation shall not be liable for and the Company shall indemnify the corporation against all loss to the Company by reason of suspension of traffic, and all accidents, damages, or injuries either to the tramways, works, and property of the Company, and the persons and property being conveyed on or using the same, or to any other person or property whatsoever, and all actions, suits, and costs in respect thereof, which may, either during the progress of the works of the Company or at any time hereafter, be caused by the bursting, breaking, or leakage of or escape of water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Company, or which may have been affected by the works of the Company, unless such accidents, damages, or injuries arise as the consequence of any wilful act or default of the corporation or their officers or servants:

(4.) All and singular the sum and sums of money in this section provided to be paid by the Company to the corporation

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may be recovered by the corporation by all and the same means as any simple contract debt:

(5.) The Company shall not make any crossing, passing-place, siding, or junction in Stamford Street between Henry Square and Old Square in the said borough without the consent in writing of the corporation:

(6.) The corporation, if by resolution passed at a special meeting of the members of the town council of the said borough they so decide, may, before the expiration of twelve years from the completion and opening of any tramway or part of any tramway by this Act authorised situate within the said borough, require the Company to sell, and on the expiration of six months from the date of receiving from the corporation notice in writing that such resolution has been passed the Company shall sell to the corporation, so much of the undertaking as is within the said borough, upon terms of paying the actual cost of the construction of the tramways forming such portion of the undertaking, such cost to be in case of difference determined by the Board of Trade; and when any such sale has been made all the rights, privileges, powers, and authorities of the Company in respect to the part of their undertaking sold shall be transferred to and vested in and may be exercised by the corporation in like manner as if such tramways had been constructed by the corporation under the powers conferred upon them by a Provisional Order under the Tramways Act, 1870, confirmed by Act of Parliament, and in reference to the same they shall be deemed to be the promoters:

(7.) No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of the said town council are usually given, nor unless two thirds of the members constituting such town council are present and vote at the meeting, and a majority of those present and voting concur in the resolution:

(8.) The corporation may pay the consideration money of and all expenses incurred by them in any such purchase out of the like rate, and shall have the like powers to borrow on the security of the same, as if such expenses were incurred in applying for, obtaining, and carrying into effect any Provisional Order obtained by them under the Tramways Act, 1870, and confirmed by Act of Parliament:

(9.) The Company shall not within the aforesaid period of twelve years sell any part of their undertaking situate within the said borough without previously offering to sell the same to the corporation under the provisions of this section:

(10.) In the event of any such purchase by the corporation under the provisions of this section, the corporation shall, if so required by the Company, by lease, demise to the Company for any term or terms, at the option of the Company, not exceeding in the whole twenty-one years, the right of user of the part of the undertaking purchased, and the right of demanding and taking in respect of the same the authorised tolls and charges, and the rent to be paid by the Company to the corporation under such lease shall be equal to ten per centum per annum on the price which shall have been paid by the corporation to the Company for the purchase of such part of the undertaking, and such rent shall be paid half-yearly, and any such lease shall imply a condition of re-entry if at any time after the making of the same the Company fail to pay the rent for three months after the same shall have become due, or discontinue the working of the tramway leased, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), for which purpose the want of sufficient funds shall not be a circumstance beyond their control:

(11.) The provisions of this section shall be in addition to and, except in so far as inconsistent therewith, shall not be in substitution for the provisions of the Tramways Act, 1870:

(12.) The Company shall, at their own expense, in the next session of Parliament bonâ fide introduce a Bill into Parliament and prosecute the same for making and maintaining a tramway to connect the district of the Denton Local Board of Health with the boroughs of Ashton-under-Lyne and Stalybridge, and also a single line of tramway commencing in Henry Square, in Ashton-under-Lyne, and running up Old Street to Warrington Street, thence along Bow Street and George Street to join the tramway in the Old Square, Stamford Street; and such tramway, if authorised, shall be considered as part of the undertaking of the Company, and shall, in so far as any part thereof shall be situate within the borough of Ashton-under-Lyne, be subject to the provisions of this section.

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Protecting the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway Company.

39. In constructing the Tramways Numbers 8 and 8A and Numbers 10 and 10I respectively across the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway, the following provisions for the protection of the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway Company (in this section called the Oldham Company) shall be observed and have effect:

(1.) The Company shall not alter or interfere with the structure of the respective bridges which carry the Manchester and Saltersbrook turnpike road and the Ashton Old Road or North Street over the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway, and they shall so construct and maintain the said tramways as not to injuriously affect the structure of those respective bridges and the immediate approaches thereto:

(2.) In the event of any injury being occasioned to the structure of those respective bridges and approaches or to any part or parts thereof respectively by the construction of those respective tramways on or over the same respectively (whether such injury shall occur either during or after such construction), or in or by the user or working of or in effecting the maintenance of those respective tramways, the Oldham Company may, at the expense of the Company, restore the said respective bridges and approaches, or the part or parts thereof respectively which may be injured, to as good a state and condition as they respectively were in before such injury was occasioned, and the Company shall recoup to and indemnify the Oldham Company against all sums, costs, and expenses which they may pay or be put to in maintaining and repairing so much of the roads over the said respective bridges and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act, 1870, and the Oldham Company may recover from the Company all such sums, costs, and expenses as in this section mentioned, together with full costs and charges, in any court of competent jurisdiction.

Protecting the London and North-western Railway Company.

40. In laying down the Tramways Nos. 9 and 9A on the bridge which carries Stamford Street over the Huddersfield and Manchester Line of the London and North-western Railway Company (in this Act called the North-western Company) the provisions of the last preceding section shall apply, mutatis mutandis, to the said Tramways Nos. 9 and 9A and to Stamford Street, and to the Huddersfield and Manchester Line and the North-western Company,

and the Company, as fully and effectually as if those provisions were repeated in extenso with reference thereto.

Protecting the North-western Railway Company (Denton and Saddleworth Railways).

41. Whereas Tramways Numbers 9 and 9A are also intended to be laid down along Stamford Street in Stalybridge, and it is intended by a Bill now pending in Parliament, called the London and North-western Railway (New Railways) Bill, that the North-western Company should be authorised to construct the Denton and Saddleworth Railways Number 1 and Number 2, and Number 2 is intended to be carried under that part of the said street along which the said Tramways Numbers 9 and 9A are intended to be laid; therefore the following provisions in reference thereto shall be observed and have effect:

(1.) If the bridge by which the said Railway No. 2, if authorised, is carried under the said street shall have been constructed before the construction by the Company of the said Tramways Nos. 9 and 9A along the street over the same, the provisions of the last but one preceding section shall apply, mutatis mutandis, to the laying down of the said Tramways Nos. 9 and 9A along the said street, and to that street, and to the said Denton and Saddleworth Railway No. 2 and the North-western Company, and the Company, as fully and effectually as if those provisions were repeated in extenso with reference thereto:

(2.) Provided always, that the North-western Company shall so construct and maintain the said bridge under the said street as not to prevent or interfere with the laying down thereon of the said Tramways Nos. 9 and 9A according to the deposited plans and sections thereof, or to obstruct or impede the use thereof and the traffic thereon.

Deposit money not to be repaid until tramways opened or half the capital paid up and expended.

42. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of two thousand four hundred and twenty-one pounds one shilling (being equal to five per centum upon the amount of the estimate in respect of the tramways) has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund): Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred

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to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramway for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway hereby authorised, the Court shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

43. If the Company do not previously to the expiration of the period limited for the completion of the tramway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramway or any portion thereof, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of

the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Periodical revision of tolls.

44. The proviso to section 37 of the Act of 1878 with reference to the revision by the Board of Trade of the tolls and charges of the Company is hereby repealed, and in lieu thereof the following provisions shall extend to the Company and to their tramways as authorised by the Act of 1878 and this Act: If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Cheap fares for labouring classes.

45. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week and every

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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 Company think most convenient for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Interest not to be paid on calls paid up.

46. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Deposits for future Bills not to be paid out of capital.

47. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Company not exempt from provisions of present or future general Tramway Acts.

48. 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 this Act.

Expenses of Act.

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

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