

[3 EDW. 7.]

Preston, Chorley, and Horwich [Ch. CCXXXV.]
Tramways Act, 1903.



CHAPTER CCXXXV.

An Act to incorporate the Preston Chorley and Horwich A.D. 1903.
Tramways Company and to empower that Company to
make and maintain tramways and other works and for
other purposes. [14th August 1903.]

WHEREAS the making and maintaining of the tramways and other works herein-after described and by this Act authorised and the working of the tramways by mechanical power would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the tramways if authorised by Parliament so to do and are desirous of being incorporated into a company (herein-after called "the Company") with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided :

And whereas it is expedient that the Company and the local authorities be empowered to enter into and carry into effect agreements as herein-after provided and that the other powers mentioned in this Act be conferred upon the Company and that the provisions of the Tramways Act 1870 as to the purchase of the undertaking of the Company should be modified as herein-after mentioned :

And whereas plans and sections showing the lines and levels of the tramways and other works by this Act authorised and indicating the position thereof in the streets along which they are to be laid and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners

A.D. 1903. — and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after respectively referred to as the deposited plans sections and book 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 King'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 Preston Chorley and Horwich Tramways Act 1903.

Incorporation of general Acts. **2.** The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

“ The Company ” means and includes the Company incorporated by this Act and any council corporation or person who shall construct maintain or execute any work under the authority of this Act ;

“ The county council ” means the county council for the county palatine of Lancaster ;

“ The county surveyor ” and “ the county bridgemaster ” mean respectively the surveyor and the bridgemaster for the time being of the county council ;

“ The Preston Corporation ” means the mayor aldermen and burgesses of the county borough of Preston ;

“ The tramways ” and “ the undertaking ” mean respectively the tramways and other works and the undertaking by this Act authorised ;

“ Mechanical power ” includes electrical and every other motive power not being animal power ;

“ Engine ” includes motor ;

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The word “ contingencies ” in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

4. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from a mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk of the borough or the clerk of the urban district rural district or parish council as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk clerk of urban district rural district or parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Correction
of errors &c.
in deposited
plans and
book of
reference.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

5. Alfred Cotterell Tupp William Augustus Mitchell Frederick Stott Pilling and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining tramways and for supplying electricity and for other the purposes

Company
incorporated

A.D. 1903. of this Act and for those purposes shall be and are hereby incorporated by the name of "The Preston Chorley and Horwich Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

WORKS AUTHORISED.

Power to
make tram-
ways and
other works.

6. 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 and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus stations depôts works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference and therein numbered 73 74 75 76 77 78 79 80 81 82 82A 83 84 85 86 and 87 as may be required for that purpose Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this Act will be situated wholly in the county palatine of Lancaster and are—

Tramway No. 1 2 miles 1 furlong 0·33 chain or thereabouts in length of which 1 mile 5 furlongs 7·33 chains or thereabouts is single line and 3 furlongs 3 chains or thereabouts is double line commencing by a junction with the Preston Corporation authorised Tramway No. 13 at the boundary of the borough of Preston at Walton Bridge passing thence across the said bridge and passing thence over and along Victoria Road Chorley Road the new bridge over the River Darwen Chorley Road and Station Road and terminating in Station Road at a point 3·70 chains or thereabouts measured in a northerly direction from the north side of Mounsey Road:

Tramway No. 2 10 miles 5 furlongs 6 chains or thereabouts in length of which 8 miles 5 furlongs 4 chains or thereabouts is single line and 2 miles 2 chains or thereabouts

is double line commencing by a junction with Tramway No. 1 at its point of termination and passing thence along and over the following roads streets and bridges namely Station Road Church Road Chorley Road Shaw Hill Bridge Preston Road Park Road Market Street Bolton Street Bolton Road the Skew Bridge the Mill Stone Embankment Anderton Ford Bridge and Scholes Bank and terminating at or near a point in Lea Lane in line with the west side of Brady Street in the township of Horwich : A.D. 1903.

Tramway No. 3 1 mile 1 furlong 4·30 chains or thereabouts in length of which 7 furlongs 9·30 chains or thereabouts is single line and 1 furlong 5 chains or thereabouts is double line commencing by a junction with Tramway No. 1 at a point 2 chains or thereabouts south-east from the intersection of Church Brow with Victoria Road and passing thence along Victoria Road and Higher Walton Road and terminating in Higher Walton Road at or near the south-east corner of Victoria Terrace :

Tramway No. 4 3 miles 6 furlongs 8·40 chains or thereabouts in length of which 3 miles 1 furlong 7·40 chains or thereabouts is single line and 5 furlongs 1 chain or thereabouts is double line commencing by a junction with Tramway No. 2 at a point in Church Road 0·30 chain or thereabouts measured in a southerly direction from the south corner of No. 7 Church Road and passing thence along and over the following roads streets and bridges namely Wigan Road Lostock Lane Leyland Road Resolution Bridge Watkin Lane the two railway bridges Leyland Road Liverpool Road Penwortham Holme and crossing the River Ribble by a proposed new bridge and terminating by a junction with the Preston Corporation Tramway at or near the intersection of Strand Road with Fishergate in the borough of Preston :

Tramway No. 5 5 miles 3 furlongs 7·78 chains or thereabouts in length of which 4 miles 3 furlongs 9·78 chains or thereabouts is single line and 7 furlongs 8 chains or thereabouts is double line commencing in Market Street in the borough of Chorley by a junction with Tramway No. 2 at a point 1·22 chains or thereabouts south of the south side of Cheapside and passing thence along and over the following streets and roads and over or under the following bridges namely Pall Mall Moor Road

A.D. 1903.

Butterworth Brow Birkacre Road Birkacre Bridge Birkacre
Brow Spendmore Lane Coppull Station Railway Bridges
Coppull Moor crossing the mineral railway thence along
Springs Brow Stars Brow Preston Road and High Street
Standish and terminating in High Street Standish at a point
0·50 chain or thereabouts north-west of the intersection
of School Lane with High Street.

Power to
make roads
and bridge.

7. Subject to the provisions of this Act the Company may
make form use and maintain the roads and bridge herein-after
described in the lines and according to the levels and within
the limits of deviation shown on the deposited plans and sections
and in all respects in accordance with those plans and sections
with all proper approaches works and conveniences connected
therewith and may enter upon take and use such of the lands
delineated on the said plans and described in the deposited book
of reference as may be required for that purpose.

The roads and bridge herein-before referred to and authorised
by this Act will be situate wholly in the county palatine of
Lancaster and are as follows :—

A road commencing by a junction with the Liverpool Road in
the parish and township of Penwortham at a point on the
northernmost boundary of the said Liverpool Road twenty
chains or thereabouts measured along the said boundary
east of Penwortham Bridge and proceeding thence in a
direct line and easterly direction and terminating on the
east bank of the said River Ribble at a point measured along
the said bank 766 yards or thereabouts from Penwortham
Bridge :

A bridge commencing by a junction with the proposed new
road herein-before described at its point of termination
crossing the River Ribble and terminating on the west
bank of that river at a point 165 yards or thereabouts
east of and opposite to the junction of Fishergate Hill with
Broadgate in the parish and county borough of Preston :

A road commencing by a junction with the roadway of the
said proposed bridge at its point of termination and
proceeding thence in a direct line in a westerly direction
to and terminating at or near the end of Broadgate at or
near the junction of Broadgate with Fishergate Hill.

Restriction
on taking
houses of

8. The Company shall not under the powers of this Act
purchase or acquire in any borough or other urban district or

elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

A.D. 1903.
labouring
class.

If the Company purchase or acquire any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them The expression "house" means any house or part of a house occupied as a separate dwelling.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
grant ease-
ments &c.

10. In addition to the other lands which the Company are by this Act authorised to acquire they may purchase take on lease or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding five acres and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold depôts yards wharves offices buildings stations sidings works and other

Purchase of
lands by
agreement.

A.D. 1903. — conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section.

Owners may be required to sell parts only of certain lands and buildings.

11. And whereas in the construction of the tramways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Period for compulsory purchase of lands.

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

CONSTRUCTION AND MAINTENANCE.

Inspection by Board of Trade.

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

Period for completion of tramways and other works.

14. If the tramways and other works are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

15. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as the Board of Trade may approve but carriages or trucks adapted to run on railways shall not be run thereon.

A.D. 1903.
Gauge of tramways.

16. If and whenever after the passing of this Act the road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company 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.

Tramways to be kept on level of surface of road.

17.—(1) 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 and the road authority and the county council plans 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 plans 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 plans and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Plans of proposed mode of construction of tramways.

(2) If any dispute shall arise between the Company and the road authority or the said surveyor as to what method of paving is the more suitable for any road or otherwise under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

18. The materials with which and the manner in which the Company shall maintain and keep in good condition and repair the portion of road referred to in section 28 of the Tramways Act 1870 shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Repair of part of road where tramway is laid.

19. The rails of the tramways shall be such rails as the Board of Trade may approve.

As to rails of tramways.

A.D. 1903.

Penalty for
not main-
taining rails
and roads.

20.—(1) 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 the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 as varied by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case 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 situated or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 as varied by this Act the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary
authority to
have access
to sewers.

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

Cross-overs
to be con-
structed in
certain
cases.

22. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

23.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs 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 stations warehouses stables carriage houses or works of the Company.

A.D. 1903.
Power to make additional cross-overs and to double tramway lines.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which the tramways or any part thereof are or is authorised to be laid or are or is laid has been or shall be widened or altered the Company may with the like consent construct such tramway or any part thereof or (as the case may be) take up or re-construct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

24. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Company necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may subject to the approval of the road authority construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made where necessary.

25. Any paving metalling or material excavated by the Company in the construction of the tramways from any road or bridge under the jurisdiction or control of any road authority may

Application of road materials excavated in

A.D. 1903.
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construction
of works.

be applied by the Company so far as may be necessary in or towards the reinstating of the road or bridge 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 if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor 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 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

Stopping of
roads during
execution
of works.

26. Subject to the provisions of this Act the Company may during the execution of the works with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections.

Power to
deviate.

27. The Company in constructing the tramways new roads and bridge by this Act authorised may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may with respect to the bridge (subject to the provisions of this Act as to the clear headway of the bridge) deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Permanent
lights on
works.

28. The Company shall upon their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to

navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. A.D. 1903.

If the Company fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

29. In case of injury to or destruction or decay of the bridge or works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. Provision against danger to navigation.

30. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily. Works below high-water mark not to be commenced without consent of Board of Trade.

31. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from Survey of works by Board of Trade.

A.D. 1903. the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

32. If a work constructed by the Company on or over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Capital to be
subscribed
before works
commenced.

33. The Company shall not commence the construction of the bridge by this Act authorised until the Company have shown to the satisfaction of the Board of Trade that they have available sufficient funds to construct and complete the works by this Act authorised.

Power to
enter into
agreements
with county
council and
Preston Cor-
poration.

34.—(1) The Company may enter into and carry into effect agreements with the county council and the corporation of Preston or either of them with respect to the following purposes or any of them (that is to say):—

(A) The construction maintenance and use of the bridge and roads by this Act authorised or any of them or any part or parts thereof respectively and of the works connected therewith respectively or any of them :

(B) The acquisition and appropriation of lands and property for the purposes of the works by this Act authorised :

(C) The contribution of funds for the above purposes or any of them :

(D) Any incidental matters.

(2) The provisions of the County Bridges Loans Extension Act 1880 shall apply to the said bridge and the county council may borrow under the provisions of that Act and section 69 of the Local Government Act 1888 any money required in connexion with the building and construction of the said bridge.

(3) All expenses incurred by the Preston Corporation for the purposes of this section shall be paid in accordance with the provisions of subsections 3 and 4 of section 119 of the Municipal Corporations Act 1882 as amended by section 72 of the Local Government Act 1888 as if such expenses were expenses incurred in pursuance of that Act.

For pro-
tection of
Lancashire
County

35.—(1) (A) Before any tramway by this Act authorised to be made in or along any road or over any bridge within the said administrative county is opened for public traffic the Company

shall at their own expense widen the road or bridge along or over which such tramway shall be laid to a uniform width of not less than twenty-seven feet of metalled carriageway in addition to the existing width of footpath save and except that where owing to there being buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive or in the case of a bridge where the structure is of such size or elaborate character as to cause the cost of such widening to be unreasonably excessive the Company shall upon obtaining a certificate of exemption from the county surveyor in respect to roads or the county bridgemaster in respect to bridges be exempt from the obligation of this section :

A.D. 1903.
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Council and
other local
authorities.

(B) For the purpose of carrying out any such widening the Company may utilise any waste land at the side of the metalled portion of any such road to the same extent that the road authority may lawfully do so provided that a space of not less than five feet is left between the edge of the carriageway and the nearest fence or wall :

(c) If in effecting any of the aforesaid widenings the Company interfere with or remove any footpath they shall provide another footpath of not less width than the footpath so removed to the reasonable satisfaction of the road authority unless the surveyor to the road authority shall certify that such footpath may be of less width than the footpath so removed :

(D) The Company shall at their own expense pave the widened portion of the carriageway and footpath (if any) with the same class of material as exists in the road before it is widened.

(2) The Company shall construct and maintain the tramway as a single line only with such passing places as shall be agreed upon between the Company and the road authority. Before commencing the construction of the tramway the Company shall submit a plan showing the positions of the proposed passing places and obtain the approval of the road authority to the same which shall not be unreasonably withheld.

(3) The Company in laying their rails along such roads shall in all cases save where a certificate of the county surveyor shall be granted as aforesaid or at crossing or passing places cause the same to be laid placed and maintained in such position as to allow a space of nine feet six inches between the outer edge of the kerb and the centre of the nearest rail on one side and twelve feet nine and a half inches between the edge of the metalling and the centre of the nearest rail on the other side

A. D. 1903. — so as to allow room for carts laden with hay and straw and other overhanging loads to pass freely on one side of such track.

(4) The Company shall at their own expense pave so much of any road whereon any of the tramways including the new road to be constructed are laid as lies between the rails and between a double line of rails and as extends eighteen inches beyond the rails of and on each side of any such tramways with granite cubes or setts or such other paving as the road authority may reasonably approve and the Company shall so long as they shall work the said tramway keep and maintain the same respectively in good repair and condition and in all cases where the nearest rail of such tramway is of less distance than seven feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening space shall be paved in like manner to the reasonable satisfaction of the road authority and all works and materials used in the construction maintenance or alteration of the said roads lying adjacent to the said tramway shall be subject to the reasonable approval of the road authority and in the event of any subsequent deviation or alteration of the said tramway the consent of the road authority shall be obtained before such deviation or alteration is made.

(5) The rails of all such tramways shall be laid over and across all such county and hundred bridges so as to leave a space of nine feet six inches from the centre of the nearest rail on one side and twelve feet nine and a half inches from the centre of the nearest rail on the other side so as to correspond with the approaches unless specifically exempted by the said county bridgemaster.

(6) A double line of rails shall not be laid over any county or hundred bridge without the previous consent of the road authority under the hand of their bridgemaster.

(7) (A) In constructing the tramways upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the structure of such bridge or approaches be absolutely necessary for the purpose of constructing the tramways and in the event of any such alteration or interference the Company shall at the same time as they give notice to the road authority of their intention to break up any road for the purpose of laying down maintaining and renewing any of the tramways submit to the county council

detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and the Company shall so construct and maintain the tramways in the road over such bridge and forming the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramways on or over the same (whether such injury shall occur either during or after construction or in the maintenance of the tramways) the county council after seven days' written notice to the Company except in cases of emergency of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned and the Company shall repay the county council all reasonable expenses which they may 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 repair under this Act and the county council may recover from the Company all such expenses so due as aforesaid:

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(B) In the event of mechanical power being used on that portion of the tramways which is laid on any such bridge or approaches the county council may execute such works as may be agreed between them and the Company (or in case of difference between them as may be determined by the Board of Trade) necessary for the strengthening of the fabric of such bridge provided such strengthening is needed for and by reason of the tramways apart from the ordinary traffic on the road in question and the county council may execute all such agreed works at the expense of the Company and the county council may recover from the Company in manner aforesaid all moneys reasonably expended by them in the execution of such works as aforesaid:

(c) If any such bridge as aforesaid upon or along which the tramways are laid be altered widened or rebuilt by the county council the county council may require the Company to alter the tramways in such manner as the circumstances of the case may reasonably require and it shall be lawful for the Company to contribute such sum as may be agreed between the Company and the county council towards the expenses of altering widening or rebuilding any of such bridges as aforesaid:

(D) If the county council shall find it necessary for the purposes of this section that the working of the portion of the tramways over any bridge or culvert be wholly or in part stopped

A.D. 1903. or delayed or that such portion of the tramways be wholly or in part taken up or removed and if the county council accordingly give the Company seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed as stated in such notice by the Company if so required by the county council and if not by the county council at the reasonable expense of the Company and under their superintendence if they shall give such superintendence but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramways shall be restored with all possible despatch and in such case the county council shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid :

(E) Any additional expense in the maintenance of any such bridge occasioned to the county council by the construction or user of the tramways shall be borne by the Company :

(F) The foregoing provisions as to county and hundred bridges shall apply mutatis mutandis to any bridge vested in or under the control of any local authority with the substitution of the council of the local authority for the county council.

(8) The tramways shall terminate one hundred yards on the south side of the centre of Walton Bridge unless the Company undertake to widen the bridge so as to allow twenty-seven feet of carriageway in addition to the existing width of the footpaths and in case the Company widen the bridge to the satisfaction of the county council the county council shall contribute one third of the cost of such widening and all expenses incurred by the county council for the purposes of this subsection shall be paid in manner provided by subsection (2) of the section of this Act whereof the marginal note is "Power to enter into agreements with county council and Preston Corporation" in respect to expenses incurred by the county council for the purposes of that section.

(9) In carrying out the widening of the road along the southern side of the embankment of the Rivington reservoir the Company shall if required by the county surveyor raise the fence wall on the south side of the road and strengthen the retaining wall supporting the road to the reasonable satisfaction of the county surveyor.

(10) The Company shall as from the date on which the tramways to be constructed through the borough of Chorley shall be opened for traffic pay annually to the county council such proportion of the annual sum which the county council are under an obligation to pay to the corporation of Chorley in respect of the interest and repayment of a capital sum expended by the corporation on repaving the main road along which the tramway is laid as the superficial area of that portion of the carriageway of the main road maintained by the Company bears to the superficial area of the whole of the carriageway of the main road. If the sum so payable by the Company to the county council is not paid within one month after demand the same may be recovered by the county council as liquidated damages.

(11) If the Company do not bonâ fide commence the construction of the tramways authorised by this Act within two years from the passing thereof the powers of the Company shall cease unless the Board of Trade shall by writing under the hand of an assistant secretary extend the period hereby limited.

(12) In the construction of Tramway No. 5 the Company shall between the points marked "A" and "B" on the Plan No. 1 signed respectively by the county surveyor and the engineer to the Company widen the carriageway to twenty-seven feet and in addition shall provide a footway on one side of the road of not less than six feet in width. The Company shall also between the points marked "C" and "D" on the said plan herein-before referred to leave a footway of not less than six feet wide on the westerly side of the road in addition to widening the carriageway to twenty-seven feet.

(13) In the construction of Tramway No. 5 the Company shall between the points marked "L" and "M" on the Plan No. 5 signed respectively by the county surveyor and the engineer to the Company widen the carriageway to twenty-seven feet and in addition shall provide sufficient land for the formation of a footpath five feet wide. The Company shall also between the points marked "N" and "O" on the said plan herein-before referred to widen the carriageway to twenty-seven feet and in addition shall provide sufficient land for the formation of a footpath five feet wide. The construction maintenance and repair of the said footpaths shall be the duty of the Chorley Rural District Council.

(14) In constructing Tramway No. 2 the Company shall between the points marked "E" and "F" on the Plan No. 2 signed respectively by the county surveyor and the engineer to

A.D. 1903. — the Company widen the main road to the extent shown on the said plan.

(15) In constructing Tramway No. 2 the Company shall between the points marked "G" and "H" on the Plan No. 3 signed respectively by the county surveyor and the engineer to the Company widen the carriageway to twenty-seven feet and in addition shall provide sufficient land for the formation of a footpath five feet wide. The construction maintenance and repair of the said footpath shall be the duty of the county council.

(16) In constructing Tramway No. 4 the Company shall between the points marked "J" and "K" on Plan No. 4 signed respectively by the county surveyor and the engineer to the Company widen the carriageway to twenty-seven feet and in addition shall provide sufficient land for the formation of a footpath five feet wide. The construction maintenance and repair of the said footpath shall be the duty of the Chorley Rural District Council:

The Company shall pave and complete the widenings of the carriageways and footways referred to in subsections 12 13 14 15 and 16 of this section (except the footpaths to be paved by the local authorities) in conjunction with the construction of the tramways and under the same conditions as to making paving and completing the roadways as is herein-before mentioned in subsection 1 of this section.

(17) If the Company construct any one of the tramways authorised by this Act they shall become bound to complete the whole of the Tramways Nos. 1 2 and 5 as shown on the deposited plans and also Tramway No. 4 in the direction and on the lines shown in Plan No. 6 signed respectively by the county bridge-master and the engineer of the Company (subject to the provisions of this section with respect to the construction of the bridge over the River Ribble and the approach roads thereto by the county council) within the period within which the works by this Act authorised are to be constructed.

(18) (A) If the county council desire that the bridge across the River Ribble by this Act authorised shall be made so as to accommodate ordinary traffic as well as the tramways then such bridge shall be constructed by the county council according to such plans and designs as they may think fit subject to all reasonable requirements of the Company being complied with to allow for the proper construction of the tramways and in such case the Company shall contribute the sum of twenty-eight thousand

pounds towards the cost of constructing such bridge and the remainder of the cost shall be provided by the county council and the corporation of Preston in such proportions as they may agree upon. Provided that the county council shall signify in writing to the Company their intention so to construct the said bridge within twelve months from the passing of this Act :

(B) Before the commencement of the construction of such bridge by the county council the Company shall either deposit the sum of twenty-eight thousand pounds in a bank to the joint credit of the Company and the county council or shall give satisfactory security to the county council for the payment of such sum and in either case payments shall be made to the county council as the works proceed at such times and in such manner as shall be agreed upon or failing agreement as shall be settled by the Board of Trade :

(C) Nothing in this section shall place any liability or obligation on the county council to construct such bridge unless such deposit shall have been made or such security given as aforesaid :

(D) If the county council do not signify their intention to construct such works then the Company may construct a bridge in the position shown on Plan No. 6 referred to in subsection 17 of this section but the placing of piers in the tidal way of the bridge and the clear headway to be given under the bridge shall be settled by arrangement with the corporation of Preston or in the event of failure to agree shall be referred to the arbitration of the Board of Trade and the approach roads to such bridge shall be constructed in the lines and at the levels shown on such plans :

(E) The bridge if and when constructed by the county council together with the approaches thereto between the parallel lines marked " A " and " B " respectively on the plans signed respectively by the county bridgmaster the borough surveyor and the engineer to the Company shall thereupon become vested in and belong to the county council as a county bridge or hundred bridge :

(F) The Company shall maintain so much of the roadway of the bridge and its approaches as they are by subsection 4 of this section required to maintain in the case of existing roads and the remainder of the carriageway and footpaths shall be maintained by the county council and the cost thereof shall be divided annually between the county council and the corporation of Preston in such proportion as they may agree. The structure of the said

A.D. 1903. bridge shall be maintained and repaired by the county council and the corporation in such proportions as they may agree.

(19) If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall at their own cost remove the snow or other matter to the side of the road along which the tramways which are impeded are laid but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any snow or other matter removed by the Company from the portion of the roadway maintainable by the Company shall not be allowed to remain on the road but shall be at once taken away by the Company.

(20) In every street in each district in which any of the tramways shall be constructed the Company shall place and maintain electric lamps upon such of the posts or standards erected by the Company in pursuance of the foregoing provisions of this Act for the purpose of working the tramways by mechanical power as the local authority shall reasonably require or as in case of difference between the local authority and the Company shall be settled by arbitration under this Act or if no such posts or standards shall be used by the Company they shall place such lamps upon such other suitable pillars to be erected by and at the cost of the Company as the local authority shall reasonably approve or as in case of difference shall be settled as before provided Provided that the Company shall not be required to place more than one lamp for every fifty yards of tramway The Company shall keep such lamps efficiently lighted for the purpose of the traffic of the street between sunset and sunrise Provided that if the Company or any company or body (other than the local authority) having the right to run cars on the tramways shall cease to use the same between the hours of midnight and 5 a.m. then the Company shall not be bound to keep the lamps lighted during those hours.

(21) The posts or pillars which the Company may require to erect shall be placed along the route of the tramways so far as practicable on one side of the street or road only and no overhead wires shall (except at street or road junctions) be carried across any street or road without the consent of the local authority for the district in which it is proposed to carry any such wires across any such street or road but such consent shall not be unreasonably

withheld and any question that may arise between the Company and any local authority under this section shall be determined by arbitration. A.D. 1903.

(22) If any local authority or the county council deem it necessary at any time or times to repave or remake with new materials any of the roads in which the tramways shall be laid they shall be at liberty to repave the portion of the road maintained at the cost of the Company with the like materials so as to make the surface of the road uniform over its whole width and the cost incurred by such local authority or the county council in repaving or remaking such portion of the road in pursuance of this subsection shall be repaid to them by the Company.

(23) If at any time any gas or water main or any sewer or drain or manhole vested in or belonging to any local authority shall be or become injured or damaged by reason of or in consequence of any act works or operations of the Company or of their contractors or of any servant of either of them the local authority may immediately thereupon or at any time thereafter at the cost of the Company execute such acts and works as the local authority may deem necessary in order to effect the reinstatement of such gas or water main sewer drain or manhole to as good a condition as it was prior to such damage or injury.

(24) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the mains pipes tubes wires and apparatus of any local authority within whose district or over whose mains pipes tubes wires or apparatus the tramways are laid as if such authority were a company within the meaning of those provisions.

(25) A local authority shall not be responsible to the Company for any damage sustained by the Company in consequence of any road or roads subsiding after the construction or relaying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all reasonable care and in a proper and workmanlike manner. If any question arises as to the mode in which the work is executed that question shall be referred to arbitration.

(26) Where any tramway is constructed or intended to be constructed over a manhole or entrance into any sewer or so close to such manhole or entrance as to make the use thereof dangerous

A.D. 1903. the Company shall at their own expense if required by the local authority in whom the sewer is vested alter the position of such manhole or entrance in such manner as may be reasonably necessary and approved by the local authority or the local authority may at their own option at the reasonable expense of the Company make such alteration in the position of such manhole or entrance If the local authority intend to execute such work themselves they shall commence execute and complete the same with all reasonable despatch If any question arises as to whether any requirement or failure to give approval under this section is reasonable or as to the reasonable expense to be paid by the Company such question shall be referred to arbitration.

(27) If it shall be necessary for any local authority through whose district the tramways pass to put down at such places along the tramways as they think fit suitable grids and drains communicating with the sewers or other receptacles to prevent the accumulation of water on the tramways the cost incurred by any authority in so doing shall be repaid to them by the Company.

(28) Any local authority shall upon giving not less than fourteen days' notice to the Company of their desire so to do have the right without payment to use any posts standards and brackets erected by the Company in the streets within the district of such local authority for the support of any electric wires or lamps or any gas or other lamp belonging to such authority or to any contractor of such authority or for the support of any police and fire alarms notice plates or street indicators Provided that in the exercise of the powers of this subsection no unavoidable damage shall be caused to such posts standards or brackets and no obstruction or interference shall be caused to or with the working by the Company of the undertaking and if the local authority occasion any damage in the exercise of the powers of this subsection they shall pay compensation to the Company the amount thereof to be determined in default of agreement by arbitration.

(29) The Company shall not permit any carriage used on the tramway to be so laden that any part of the load shall extend beyond the width of such carriage.

(30) In no case shall steam be used as motive power within the district of any local authority without the consent of such local authority.

(31) If the Company shall make default in complying with the provisions of this section requiring them to maintain and keep in good condition and repair the rails of the tramways and the substructure upon which the same rest it shall be lawful for the surveyor to the road authority within which such failure shall occur after giving to the Company forty-eight hours' notice of his intention so to do or in case of emergency without notice to employ workmen and to put the said rails and substructure in good repair and condition to his satisfaction and the expenses incurred by him in so doing shall be certified by the surveyor to such road authority and paid by the Company to the road authority and any question between the Company and the road authority as to any such default and as to the amount of any such certificate shall be determined by arbitration.

(32)—(i) The Company shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars as may be reasonably required in the public interests :

(ii) If complaint is made to the Board of Trade by any local authority that a proper and sufficient service of cars is not provided the Board of Trade after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board of Trade to be reasonable :

(iii) The Company shall be liable to a penalty not exceeding five pounds for every day on which they fail to comply with any order of the Board of Trade under this section.'

(33) The Company in working the tramways shall not allow any car to stand or remain stationary on the tramway lines longer than is necessary for the purpose of taking up and setting down passengers unless otherwise agreed between the Company and the county council.

(34) If the Company fail to comply with any provisions in this section contained other than that contained in subsection 11 hereof they shall be liable to a penalty of five pounds per day for each day that such failure shall continue to be recoverable as liquidated damages by the county council or the road or local authority respectively as the case may be.

(35) If any difference shall arise between the county council or a road authority or a local authority and the Company with reference to the works to be done by the Company under this section the same shall be referred to arbitration as provided by this Act.

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For protec-
tion of
borough of
Chorley.

36. For the protection of the mayor aldermen and burgesses of the borough of Chorley (herein-after called "the corporation") the following provisions shall have effect:—

- (1) The Company shall within the borough affix such wire guards or other apparatus as in the opinion of the Board of Trade may be necessary for the protection of the public from injury in case of accident or breakage to the trolley wires :
- (2) The Company shall pay to the corporation the value of any materials provided out of loan moneys for the maintenance and improvement of the main roads from Yarrow Bridge to Whittle-le-Woods and of Moor Road whereon the tramways are laid as shall be used in the construction of the tramways and in paving and making good so much of the road as will thereafter be maintainable by the Company Any difference as to the amount payable hereunder shall be determined by arbitration :
- (3) That between Queen's Road and West Street the Company shall construct the tramways with double lines to be worked as a single line and cars shall not be allowed to pass each other within that space :
- (4) The Company shall not oppose any application for statutory powers which may be made by the corporation to construct purchase or work tramways within the borough or to alter the method of traction thereon Provided that such application shall not seek to alter or diminish the rights or powers of the Company or interfere with the works of the Company :
- (5) If any dispute or difference under this section shall arise between the corporation and the Company respecting any act matter or thing to be done or not to be done or as to which the approval of the corporation is necessary or as to any money other than a penalty to be paid under or in pursuance of this Act such dispute or difference shall be settled by arbitration :
- (6) If the Company fail to comply with any provisions in this section contained they shall be liable to a penalty of five pounds per day for each day that such failure shall continue to be recoverable as liquidated damages by the corporation.

37. For the protection of the corporation of the borough of Preston (herein-after called "the corporation") the following provisions shall apply and have effect:—

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For protection of corporation of Preston.

- (1) Subsections (1) (4) (5) and (6) of the section of this Act the marginal note of which is "For protection of borough of Chorley" shall apply in like manner to the corporation and borough of Preston:
- (2) Tramway No. 4 shall be constructed strictly in accordance with the centre line as delineated on the deposited plans:
- (3) The Company shall not effect any junction with the tramways of the corporation except with their consent.

38. The Company shall not without the consent in writing of the corporation of Manchester either temporarily or permanently interfere in any way with the structure of the Thirlmere Aqueduct in the Bolton Road in the township of Anderton Subject to this provision such aqueduct shall be deemed to be included in the designation "mains or pipes for the supply of gas or water" contained in Part II. of the Tramways Act 1870 and any works of the Company which may affect the same shall be executed to the satisfaction of the engineer for the time being of the Manchester Corporation Waterworks.

For protection of corporation of Manchester.

39. For the protection of the Preston Gas Company (in this section referred to as "the owners") the following provisions shall have effect namely:—

For protection of Preston Gas Company.

- (1) The word "road" in addition to the meaning assigned to it by section 3 of the Tramways Act 1870 shall for the purposes of that Act and of this Act but so far only as affecting the powers of the owners be held to include any footpath forming part of a public highway or of any bridge forming part of or leading to the same:
- (2) The Company shall not alter the position of any main or of any pipe of the owners under the powers contained in section 30 of the Tramways Act 1870 contrary to the provisions of and regulations under any Act of Parliament for the time being in force relating to the owners and shall in the case of any alteration of the position of any such mains or pipes relay the same unless otherwise agreed between the Company and the owners at a depth not less than that at which such main or pipe was previously laid and so as in all cases to leave a covering where practicable

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of at least thirty inches from the surface of the road above such main or pipe. The provision of section 30 subsection (1) of the Tramways Act 1870 shall extend and apply to the case of the construction of the tramways preventing or interfering with the future repair of such main or pipe :

(3) If within seven days after a notice under section 30 of the Tramways Act 1870 as to alteration of position of mains or pipes shall have been served upon the owners the owners so elect such owners shall themselves execute all such alterations to their mains or pipes and the reasonable cost of executing such alterations shall be repaid by the Company to such owners. Provided always that such alterations shall be carried out to the reasonable satisfaction of the chief engineer of the Company and all works affecting the tramways shall be restored and made good with the least possible delay and shall be carried out so as to cause the least possible interference with or impediment to the traffic on the tramways :

(4) The bridge by this Act authorised to be constructed across the River Ribble and the approaches thereto shall be constructed of a sufficient width to admit of mains or pipes of the owners being carried thereover and shall be so constructed as to leave a sufficient amount of covering over any such mains or pipes in the footpath or roadway of such bridge :

(5) If it be proved that any injury or damage to any gas or water pipes or other metallic pipes structures or substances of the owners shall have resulted from fusion or electrolytic action caused by any currents generated or passing through any cable used by the Company for the purpose of electric traction under this Act nothing in this Act shall take away any right if any which the owners would have had to compensation for any injury loss or damage if this Act had not been passed.

For protec-
tion of col-
liery owners.

40.—(1) The following provisions shall apply and have effect in the construction maintenance and user of the tramways by this Act authorised (herein-after and in this Act called “the tramways”) where the same will cross on the level any railways or tramways belonging to or in the occupation of any colliery company firm or person members of the South Lancashire and Cheshire Coal Association or any railways or tramways to be

hereafter constructed by them (herein-after called "the colliery railways") (that is to say):— A.D. 1903.

(A) In the construction and maintenance of the tramways the Company shall cause as little detriment to the colliery railways and shall do as little damage thereto and cause as little interference with or interruption to the user of the same as may be and shall make good any damage so caused :

(B) The owners lessees and occupiers of any colliery railways shall be at liberty at any time to reconstruct or repair the same as necessity may arise Provided that except in cases of emergency any such owners lessees or occupiers shall give to the Company seven days' notice of any work of reconstruction or repair about to be undertaken by them and in carrying out the works necessary for any such reconstruction or repair such owners lessees or occupiers shall execute the same with the utmost despatch and shall execute and carry out the same in such manner as to cause the least possible delay to the traffic on the tramways and shall forthwith make good all damage to and interference with the tramways :

(C) Neither the Company nor any owners or lessees for the time being of the tramways nor any person travelling over the same or sending goods thereby shall have any claim whatever for any delay which shall not exceed seven minutes on any one occasion which may occur in the passage of any cars along the tramway by reason of the user reconstruction or repair of the colliery railways by any person entitled to use the same

(2) Notwithstanding anything contained in this Act the owner lessee or occupier of any colliery desiring to construct a colliery railway across any road along which any of the tramways are by this Act authorised to be constructed and having the consent and approval of the local authority and the road authority may with the consent of the Company (which consent shall not be unreasonably withheld) construct the same across the tramways in such position and manner and at such times as the Company may reasonably require and upon and subject to such terms and conditions as they may reasonably impose Provided that if any difference shall arise between the owner lessee or occupier of the colliery railways and the Company as to whether the Company's

A.D. 1903. consent is unreasonably withheld or as to the reasonableness of their requirements or of the terms or conditions sought to be imposed the same shall be determined by arbitration. Provided further that all damage to or interference with the tramways or works of the Company caused by any works of any such owner lessee or occupier for or in connexion with any such construction shall forthwith be made good by the owner lessee or occupier causing the same.

(3) It shall be lawful for the owner lessee or occupier of any colliery railways constructed in pursuance of subsection (2) of this section across the tramways from time to time to reconstruct repair and maintain the same and to execute and do such works as may be reasonably necessary in that behalf subject to the like notice to the Company and to the like provisions as are provided in subsection (1) (b) of this section. Provided that the powers of this subsection shall be exercised only in such manner and at such times as the Company may reasonably approve and upon and subject to such terms and conditions as they may reasonably impose and that if any difference shall arise under this section as to the reasonableness of the requirements of the Company or of the terms and conditions sought to be imposed the same shall be determined by arbitration.

For protec-
tion of
Leeds and
Liverpool
Canal Com-
pany.

41. For the protection of the Leeds and Liverpool Canal Company (in this section called "the canal company") the following provisions shall except so far as it may be otherwise agreed in writing between the Company and the canal company have effect (that is to say):—

(1) In constructing and maintaining the tramway upon or over the bridge and the immediate approaches thereto by which Bolton Road is carried over the south end of the Lancaster Canal (in lease to the canal company) in the townships of Duxbury and Heath Charnock the Company shall not in any way interfere with the structure of the said bridge or approaches or in any way disturb or injuriously affect the traffic upon and user of the canal and towing-path of the canal company :

(2) In the event of any damage or injury being occasioned to the said bridge or approaches or to the canal towing-path works or property of the canal company by the construction maintenance or use of the tramway on or over the same either by non-compliance with the provisions of this Act

or otherwise the Company shall forthwith make good such damage or injury Provided that in every case of pressing necessity and in every other case if for seven days after notice in writing thereof given to the Company by the canal company the Company neglect to proceed with due diligence to make good such damage or injury the canal company may if they think fit make good such damage or injury and the amount expended by them in so doing shall on demand be repaid to them by the Company :

- (3) In the event of any mechanical power being used on the portion of the tramway which is laid over the said bridge and approaches the canal company may execute such works as may be agreed upon between them and the Company (or in case of difference as may be determined by an arbitrator to be appointed under this section) necessary for strengthening the fabric of the said bridge provided such strengthening is necessary for and by reason of the tramway laid thereover apart from the ordinary traffic on the road and the canal company may execute all such works in all things at the expense of the Company and the amount expended by the canal company in so doing shall be forthwith repaid to them by the Company :
- (4) If the said bridge shall at any time be widened rebuilt diverted improved or otherwise altered the canal company may require the Company to alter the tramway upon or over such bridge as so widened rebuilt diverted improved or otherwise altered in such manner as the circumstances of the case may require in which case it shall be lawful for the Company to contribute such sum as may be mutually agreed upon between the Company and the canal company towards the expense of widening rebuilding diverting improving or otherwise altering such bridge as aforesaid Provided that if it becomes necessary for effecting such strengthening or for widening rebuilding diverting improving or otherwise altering such bridge as aforesaid that the working and use of such portion of the tramway be wholly or in part stopped or delayed and the canal company give to the Company three clear days' notice in writing requiring such stoppage or delay the working and user of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be necessary for effecting such strengthening or for widening rebuilding

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diverting improving or otherwise altering such bridge as aforesaid and the canal company shall with all reasonable despatch restore such bridge and shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay :

- (5) The Company shall not without the consent in writing of the canal company (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the said bridge and shall on receiving three months' notice in writing from the canal company remove any post or support which shall at any time be so placed erected or attached as aforesaid :
- (6) If and whenever by any act or omission by the Company any part of the canal or towing-path of the canal company shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Company shall pay to the canal company if so required by them and by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day Provided that nothing in this Act contained shall prevent the canal company or any owner of boats barges or other vessels from recovering from the Company any special damage that may be sustained by the canal company or such owner in consequence of the stoppage or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Company or by the canal company for the Company under the provisions herein-before contained or by reason of any subsidence of the said bridge caused by or on account of any other act or omission of the Company :
- (7) Any increased expense incurred in maintaining or repairing the structure of the said bridge owing to the construction maintenance or use of the tramway upon or over the same shall be paid by the Company :
- (8) Nothing in this Act contained shall affect the option reserved to the canal company under the provisions of the Leeds and Liverpool Canal Act 1891 or any omission on their part under the said provisions to purchase and make compensation for minerals :
- (9) If any difference arises between the Company and the canal company touching anything done or omitted to be done

by the Company or the reasonableness of any requirements or works or any charges or in any manner in connexion with anything by this Act authorised affecting the said bridge over the canal or other property of the canal company the matter in difference unless otherwise agreed shall be determined by an arbitrator to be appointed in case the parties do not agree upon one by the Board of Trade.

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42. For the protection of the mayor aldermen and citizens of the city of Liverpool (in this section called "the Liverpool Corporation") and their rights and privileges the following provisions shall apply and have effect (that is to say):—

For protec-
tion of cor-
poration of
Liverpool.

- (1) Notwithstanding anything in section 30 of the Tramways Act 1870 contained the Company shall not alter the position of or in any way interfere with any water main or pipe which form part of the waterworks of the Liverpool Corporation except with the consent of that corporation:
- (2) If it shall be shown that by reason of the construction maintenance or working of the tramways or by the failure of any of the works hereby authorised the Liverpool Corporation have sustained any damage or injury or incurred any liability the Company shall make full compensation in respect thereof and the same shall be recoverable in any court of competent jurisdiction:
- (3) The Liverpool Corporation shall not be liable to the Company for any damages in respect of any failure in the Rivington Aqueduct or by reason of any subsidence of the ground in which such aqueduct is laid at or near to the points where the tramways are constructed:
- (4) Any question which may arise between the Liverpool Corporation and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

43. For the protection of the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company severally and those companies jointly (which companies are in this section severally and jointly referred to as "the protected company") the following provisions shall unless otherwise agreed between the Company and the protected company be observed and have effect in relation to the construction and maintenance of the tramways and the works connected therewith and of any works for the purpose of working the tramways by

For protec-
tion of Lan-
cashire and
Yorkshire
Railway
Company
and London
and North
Western
Railway
Company.

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mechanical power where the same are intended to cross any bridge carrying any road over any railway siding or works belonging to the protected company or to pass under any bridge of the protected company (that is to say) :—

- (1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :
- (2) Before commencing any works on over or under any bridge or the approaches thereto or other work belonging to or maintainable by the protected company the Company shall give fourteen days' notice in writing to the protected company of their intention to execute such works and such notice shall be accompanied by plans and sections showing the nature and extent of the intended works :
- (3) The Company shall so construct reconstruct or alter and maintain and use the said tramways and apparatus and any works incidental thereto as not to alter or interfere with or injuriously affect the structure of any such bridge or of the approaches thereto :
- (4) If in the opinion of the principal engineer of the protected company it shall be necessary in consequence of any intended lowering of the road under and adjacent to any bridge carrying the protected company's railway over such road to underpin or otherwise strengthen the abutments of the said bridge the protected company shall be at liberty to carry out such underpinning or strengthening at the cost in all respects of the Company :
- (5) In the event of any injury being caused to any such bridge or the approaches thereto by the construction reconstruction alteration maintenance repairing user or removal of the tramways or apparatus the protected company may at the expense in all things of the Company after giving (except in cases of emergency when they shall give the longest notice possible) not less than seven clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned :

- (6) All works which may be necessary in constructing reconstructing altering and maintaining the tramways or apparatus over or under any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the engineer of the protected company and the Company shall repay to the protected company the expense of any temporary works or watching which the protected company may think reasonably necessary to provide for the protection of the railway or the traffic thereon during the carrying out of any works affecting the railway :
- (7) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge the protected company may after giving to the Company seven clear days' notice thereof execute such works as their engineer may deem necessary but in all things at the expense of the Company :
- (8) The materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall reasonably be approved of by the protected company :
- (9) If and when the protected company shall require to repair or paint any bridge under which any electric wire of the Company has been placed the Company shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the protected company unless the Company shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (10) The Company shall not commence any works for the purpose of carrying overhead trolley or other wires for the working of the tramways over or under any railway of the protected company until after one month's notice in writing to the protected company and the protected company may on receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over the road along which the tramway is proposed to be laid and

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replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof or for avoiding danger from the breaking or falling of wires and the expenses reasonably incurred by the protected company in carrying out the provisions of this subsection shall be repaid to the protected company by the Company on demand :

- (11) Whenever and so often as the protected company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Company is laid or the approaches thereto or whenever or so often as the protected company shall find it necessary in consequence of the existence and user of any such tramway to strengthen the fabric of any such bridge and the protected company shall in any of such events find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall (except in cases of emergency when they shall give the longest notice practicable) give to the Company seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Company and under the superintendence of the engineer of the protected company (if such engineer shall give such superintendence) but only for so long as the protected company may find it to be absolutely necessary for effecting such purpose and the protected company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto If the Company after such notice make default in diverting taking up or removal of any such tramway or apparatus the protected company may at the expense of the Company effect such diversion taking up or removal :
- (12) The Company shall be responsible for and make good to the protected company all losses damages and expenses which may be occasioned to the protected company or any

of their works or property by reason of the execution or failure of any of the works by this Act authorised or by reason of any act default or omission of the Company or their contractors or servants :

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(13) Where any tramways will pass in front of the entrances to any passenger or goods stations of the protected company no additional crossing passing place siding junction turnout or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the protected company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except only for so long as shall be necessary for the purposes of discharging and taking up passengers :

(14) If any difference shall arise under this section between the Company and the protected company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 :

(15) Notwithstanding anything contained in this Act the Company shall not acquire otherwise than by agreement any land belonging to the protected company.

44.—(1) No passing place of Tramway No. 2 shall be laid opposite the front of the hairdresser's shop occupied by John Drinkwater the Elephant and Castle hotel occupied by William Charnock the plumber's shop occupied by Thomas Jones the Elephant and Castle bowling green occupied by the said William Charnock the vacant land adjoining the said bowling green the smithy and blacksmith's shop occupied by Joseph Sanderson the shop and dwelling-house occupied by Ellen Jones the dwelling-house occupied by Ralph Kershaw and the buildings and vacant land adjoining the last-mentioned dwelling-house at present unoccupied all situate in Bolton Road in the parish of Adlington (all which premises are collectively referred to in this section as "the said premises") unless otherwise agreed between the lessee for the time being of the said premises and the Company.

For protection of
Ellen Ormes
Eccles.

A.D. 1903.
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(2) Notwithstanding anything contained in this Act or shown on the deposited plans no portion of Tramway No. 2 shall (unless otherwise agreed between the said lessee and the Company) be laid opposite the front of the said premises unless a space of 9 feet 6 inches at the least shall intervene between the outside of the present footpath adjoining the said premises and the nearest rail of the tramway which footpath shall remain of at least the same width as it now is.

For protec-
tion of Lan-
cashire and
Yorkshire
Railway
Company.

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

(1) Notwithstanding anything contained in this Act the Company shall not construct that portion of Tramway No. 1 which is shown upon the deposited plans and sections as crossing the railway of the Lancashire Company on the level at Bamber Bridge :

(2) The Company shall not open for traffic any part of the tramways by this Act authorised until they have completed a bridge with all proper and convenient incidental works for carrying either over or under the railway the public road which crosses the Lancashire Company's railway on the level at Bamber Bridge and until all rights of way over the existing level crossing have been extinguished :

(3) The said bridge shall be so constructed as not to interfere with any of the existing lines of rails platforms or works of the Lancashire Company and so as to provide for the future doubling of the railway and if the said bridge shall be constructed on the west side of the existing road it shall be carried over or under the whole width of the Lancashire Company's goods yard and passenger station and in carrying out any works or exercising any powers to give effect to the provisions of this section the Company shall preserve and maintain the access to the Lancashire Company's goods and passenger stations by means of the existing road in as good and convenient a manner as now exists Provided that the Lancashire Company shall grant free of charge such easements over their lands as may be required for the said bridge :

(4) The works provided for by the foregoing provisions of this section shall be carried out in accordance with plans

sections and specifications to be previously submitted to and reasonably approved by the engineer of the Lancashire Company and the said works so far as they affect the property of the Lancashire Company shall be carried out under the superintendence and to the reasonable satisfaction of the said engineer :

- (5) The Lancashire Company shall not oppose any application which may be made to Parliament by the Company for statutory powers to enable them to carry out the works provided for by this section except so far as may be necessary for securing proper protection for the railways works and property of the Lancashire Company Provided that previously to depositing any plans and sections in relation to such application in accordance with the standing orders of either House of Parliament such plans and sections shall have been previously submitted to and reasonably approved by the engineer of the Lancashire Company :
- (6) Before the Company commence the construction of that portion of Tramway No. 4 by this Act authorised which will be situate in the road known as Watkin Lane between points distant respectively 1 mile 1 furlong 1 chain and 1 mile 2 furlongs and $7\frac{1}{2}$ chains from the commencement of that tramway as shown on the deposited plans they shall at their own expense widen the road and bridges along or over which the said portion of tramway will be laid throughout the entire length thereof between the points aforesaid to a uniform width of not less than 27 feet of metalled or paved carriageway in addition to the existing width of the footpath Provided that the Lancashire Company shall where their lands abut upon the said road dedicate to the public free of charge so much of their land as may be necessary to provide the additional width aforesaid and shall grant free of charge such easements over their lands as may be required for slopes and bridges The provisions of subsection 4 of this section shall be applicable to any works under this subsection affecting the lands and works of the Lancashire Company :
- (7) During the construction of the works referred to in the immediately preceding subsection adjoining and near to or affecting the railway property and works of the Lancashire Company the Company shall bear and on demand pay to the

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Lancashire Company all reasonable expense of employment by them of a sufficient number of inspectors watchmen and flagmen to be appointed by that company for watching their railway property and works with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or of their contractors or any person or persons in the employment of the Company or of their contractors with reference thereto or otherwise :

- (8) If by reason of the execution or failure of any of the works of the Company or any act or omission of the Company or of their contractors or of any person in the employment of the Company or of their contractors or otherwise any railway siding or other work belonging to or worked by the Lancashire Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Lancashire Company may make good the same and the reasonable expenses thereof shall be repaid to the Lancashire Company by the Company on demand and the Company shall indemnify the Lancashire Company against all losses which the Lancashire Company may sustain and shall pay all reasonable costs charges and expenses which the Lancashire Company may be put to or incur by reason of the execution or failure of any of the works of the Company or any act or omission of the Company or of their contractors or any person in the employment of the Company or of their contractors or otherwise :
- (9) From and after the completion of the widening of the said bridges the Company shall as between them and the Lancashire Company be responsible for the maintenance of the whole of the roadway as widened and of the works constructed by them and shall from time to time repay to the Lancashire Company such proportion of the fixed sum now payable by that company to the Walton-le-Dale Urban District Council for the maintenance by that council of the before-mentioned and other roads as shall be agreed between the respective engineers of the Company and the Lancashire Company to be attributable to the before-mentioned portion of roadway :

(10) Notwithstanding anything contained in this Act the Company shall not at any time stop up any part of the said road known as Watkin Lane without the consent in writing of the Lancashire Company : A.D. 1903.

(11) If any difference shall arise between the Company and the Lancashire Company under this section touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be appointed by the Board of Trade under section 33 of the Tramways Act 1870.

RATES AND REGULATIONS.

46. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than one penny Provided that the Company may by agreement with the county council fix and appoint from time to time stages for the purpose of regulating the fares to be charged on the tramways and such stages shall be fixed with regard to the general principle that a passenger shall be able to travel on the cars used on the tramways a distance of one mile for a penny and if any dispute shall arise between the Company and the county council with reference to fixing the stages the same shall be referred to the Board of Trade for settlement. Fares for passengers.

47. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that such luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

48. The tramways may be used for the carriage of (1) passengers and their personal luggage (2) small parcels not exceeding fifty-six pounds in weight (3) goods and minerals required for the purposes of the undertaking and for the use of any generating station supplying electric current for working the tramways and Purposes for which tramways may be used.

A.D. 1903. may also be used (4) by the local authorities for the purposes for which they are by this Act authorised to use the same but the tramways shall be used for no other purposes.

Small parcels.

49. The Company may demand and take in respect of any small parcels conveyed by them on the tramways including every expense incidental to the conveyance (except a reasonable sum for loading and unloading and for delivery and collection and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding the following:—

Small Packages.

- / For any parcel not exceeding seven pounds in weight threepence;
- For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;
- For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;
- For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence.

Cheap fares for labouring classes.

50.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance The Company on Saturdays in lieu of running such carriages after five in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

51. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sundays or any bank or other public holiday any higher rates or charges than those levied by them on ordinary week days.

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As to fares
on Sundays
and holidays.

52. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion 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 the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof 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.

Periodical
revision of
rates and
charges.

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

Byelaws by
Board of
Trade.

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection

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of passengers from the machinery of any engine used for drawing or propelling such carriages ;

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

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

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

54. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations.

Penalty for
malicious
damage.

55. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Company anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds.

Consents of
local or road
authority.

56. Where the consent of any local or road authority is by this Act required before the exercise of any powers by the Company such consent shall not be unreasonably withheld and if any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Byelaws by
local autho-
rity.

57. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

MOTIVE POWER.

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

Provisions
as to motive
power.

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of such power :
- (3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
 - (A) That the Company or such other company or person using electric power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
 - (B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;
 may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

59.—(1) Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade the size position design and construction of all posts standards and brackets and their several attachments erected in the district of any road

As to posts
standards
and brackets.

A.D. 1903. authority shall be such as the authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade Provided that—

(A) Before the erection of any such posts standards brackets and attachments in the district of a road authority the Company shall deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and if the authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards brackets and attachments as shown by the said drawing description and plan; and

(B) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final; and

(C) The Company shall properly maintain and keep in good order and repair and paint once in every three years to the reasonable satisfaction of the road authority all such posts standards brackets and attachments and if any question arises as to the reasonable satisfaction of the road authority that question shall be determined by the Board of Trade.

(2) Before commencing to erect any posts standards or brackets and before any electric wires or lamps of the local authority are supported on any such posts standards or brackets under this section plans showing the position design and construction of the posts standards or brackets and where wires or lamps of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported must be sent by the Company to the Board of Trade and the posts standards or brackets shall not be erected nor shall wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

(3) Advertisements shall not be displayed upon any such posts standards or brackets.

Attachment
of brackets
to buildings.

60. The Company may with the consent of the owner and occupier of any building attach to that building such brackets

wires and apparatus as may be required for the working of the tramways by mechanical power. A.D. 1903.

61. No brackets wires or apparatus shall be affixed to any railway bridge or to any building or premises of any railway company without the previous consent and approval of such railway company and in the event of such railway company so consenting and approving and of the railway company subsequently altering or reconstructing any such bridge or building then the Company shall at their own expense remove and refix all such brackets wires or apparatus as may be necessary to the approval of such railway company. For protection of railway companies.

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

- (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 or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the 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 may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with

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any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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

Alteration
of telegraph
lines of
Postmaster-
General.

63. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

For protec-
tion of Post
Office tele-
graph lines.

64. 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 His 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. Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

(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) 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 as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the works of the Company or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times

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when electrical energy is being generated by the Company enter any of the works of the Company for the purpose of inspecting the plant of the Company and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

- (5) 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 :
- (6) 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 any act or the execution of any work in respect of which the penalty is claimed 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 :
- (7) 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 :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) 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:

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(11) 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:

(12) 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.

65. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power and (so far as applicable) of lighting were parts of the tramway.

Apparatus used for mechanical power to be deemed part of tramway.

66. For the purpose of using mechanical power the Company may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

Power to acquire patent rights.

CAPITAL &c.

67. The capital of the Company shall be five hundred thousand pounds in fifty thousand shares of ten pounds each.

Capital.

68. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person 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.

Shares not to be issued until one fifth paid.

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

Receipt in case of persons not sui juris.

70. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one hundred and twenty-five thousand pounds and of that sum they may from time to time borrow any sum not exceeding thirty-one thousand two hundred and fifty pounds in respect of each one hundred and twenty-five thousand pounds of capital but no part of any of the

Power to borrow.

A.D. 1903.

before-mentioned sums of thirty-one thousand two hundred and fifty pounds shall be borrowed until the whole of the shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such 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 that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also 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.

For appoint-
ment of a
receiver.

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

Company not
to create de-
benture stock.
Rights of
mortgagees
on sale of
tramway.

72. The Company shall not create debenture stock.

73. 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 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the tramway undertaking in the event of such sale.

Application
of moneys.

74. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

75. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or 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 tramways or by the exercise of any of the powers conferred upon the Company.

A.D. 1903:
Money bor-
rowed on
mortgage
to have
priority.

76. The first ordinary meeting of the Company shall be held within six months of the passing of this Act.

First ordinary
meeting.

77. The number of directors shall until the first ordinary meeting of the Company be three but the Company may at that or at any subsequent ordinary meeting increase the number to seven and may from time to time reduce and again increase the number provided that the number be never less than three nor more than seven.

Number of
directors.

78. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Qualification
of directors.

79. The quorum of a meeting of directors shall be three and of a general meeting of the Company shall be shareholders present in person or by proxy holding in the aggregate not less than one twentieth of the capital of the Company for the time being subscribed.

Quorum of
meetings.

80. Alfred Cotterell Tupp William Augustus Mitchell and Frederick Stott Pilling shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing or reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and

First and
subsequent
directors.

A.D. 1903. the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors not required to hold shares.

81. The auditors need not hold shares in the Company.

Power to pay interest out of capital during construction.

82. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed ten thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise 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.

A.D. 1903.

83. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 the sum of twelve thousand eight hundred and sixty pounds consolidated bank stock equal to five per centum upon the amount of the estimate in respect of the tramways authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act to the credit of ex parte the undertaking of the Preston and Horwich Tramways Bill 1903 (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 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 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 passengers then on the 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 as the length of the tramways so opened bears to the entire length of the tramways the High 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

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

A.D. 1903.

of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

84. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them 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 tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act 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 tramways 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 are insolvent and have been ordered to be wound up or the undertaking has been abandoned be paid or 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 repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

MISCELLANEOUS.

Agreements
with road
authority.

85.—(1) The Company may subject to the provisions of this Act enter into agreements with the road authority with respect to the forming laying down maintaining renewing repairing working

and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

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(2) The Company on the one hand and the road authority on the other hand may enter into and carry into effect agreements with respect to the cost of the widening and improving by the road authority of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contribution by the Company towards the moneys to be expended on such works and the payment of any sums payable under this section by the Company to the road authority shall be deemed a purpose of this Act to which capital is properly applicable.

86. Subject to the provisions of this Act and of any regulation made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to impede obstruct or interfere with the ordinary traffic on the tramways and after giving due notice to the Company of their intention so to do use the tramways within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free from all tolls and charges in respect of such use Subject as aforesaid any local authority or road authority may enter into agreements with the Company for the purposes of this section and such authority shall have power within their own district to form connexions between the tramways and any yards or works belonging to such authority Provided that in the construction of any such connexion no damage shall be done to the tramways and no impediment obstruction to or interference with the traffic on the tramways shall be caused and that such authority shall first submit to the Company plans and sections showing the connexions or works proposed to be made and the mode of constructing the same and no such works shall be commenced until such plans and sections shall have been approved by the Company in writing or in case any difference shall arise as to such plans or the mode of constructing such works until such difference shall have been settled by arbitration under this Act

Local and road authorities may use tramways for certain purposes.

A.D. 1903. — Provided that such authority shall not save by agreement with the Company be entitled to use or employ for such purposes any carriage trucks horses electric current or other motive power or officers and servants of the Company Provided also that such authority shall indemnify the Company against any damage done to the permanent way by such use or by the construction of any such works.

Agreements with local authorities as to supply of electrical energy.

87. The Company may enter into and carry into effect agreements with any local authority or company supplying electricity in any district in which any of the tramways may be situate for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

- (1) The supply to the Company by any such local authority or company of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise whether such tramways are or are not partly situate beyond the district of such authority or company :
- (2) The payments to be made or other consideration to be given in respect of any such supply.

As to purchase of undertaking.

88. Section 43 of the Tramways Act 1870 shall in its application to the undertaking and to the Company in relation thereto be modified as follows (that is to say) :—

- (1) The Company shall not be required to sell any part of the undertaking unless each of the local authorities in whose districts the tramways are situate shall pass a resolution and serve a notice as provided by the said section :
- (2) The period of thirty-five years shall be substituted for the period of twenty-one years mentioned in the said section :
- (3) The terms upon which the Company may be required to sell the undertaking shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase :
- (4) On any sale to the local authorities such arrangements as may be approved by the Board of Trade shall be made for vesting in each local authority the portion of the undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the tramways and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

89. If any question not otherwise provided for under this Act arises between the Company and the county council or any local or road authority company or person such question shall if either party so require be determined by the Board of Trade or by an arbitrator to be appointed by the Board of Trade.

A.D. 1903.
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Arbitration.

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

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

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

Recovery of
penalties.

92. Nothing in this Act contained shall exempt the Company or the tramway from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Provision as
to general
Tramway
Acts.

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

Orders and
regulations.

94. 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 who shall be liable for the same as if they had been the original promoters of the Bill for this Act.

Costs of
Act.

A.D. 1903.

The **SCHEDULE** referred to in the foregoing Act.

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Printed by EYRE and SPOTTISWOODE,

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T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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