



**CHAPTER xlii.**

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Ashton-under-Lyne with regard to their tramway and electricity undertakings to make further provision with reference to the purchase of the undertaking authorised by the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 and for other purposes. [2nd August 1917.]

A.D. 1917.

**W**HEREAS the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (in this Act called "the Corporation") are the owners of tramways in the borough to which the provisions of the Ashton-under-Lyne Corporation Tramways Orders 1900 and 1901 and of the Ashton-under-Lyne and Dukinfield Corporations (Alma Bridge &c.) Act 1902 apply:

And whereas in pursuance of the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 tramways have been constructed in the boroughs of Ashton-under-Lyne and Hyde in the urban districts of Audenshaw and Denton and in the parishes of Bardsley and Waterloo:

And whereas the powers conferred by section 43 of the Tramways Act 1870 upon the local authorities for the several districts in which the last-mentioned tramways are situate for the purchase of the several parts of the undertaking authorised by the Order of 1896 are exerciseable within six months after the seventh day of August nineteen hundred and seventeen and it is expedient to make provision in regard to the postponement of the time for the exercise of such powers and to transfer to the Corporation the powers vested in the parish councils of Bardsley and Waterloo with reference to the purchase of so

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A.D. 1917. — much of the undertaking as is situate within their parishes respectively :

And whereas it is expedient to empower the Corporation to construct additional tramways in the borough and to confer further powers upon them in regard to their tramway and electricity undertakings :

And whereas it is expedient to amend the local Acts in force in the borough with reference to the improvement rate thereby authorised :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

(A) For and in connexion with the construction	£
of tramways authorised by this Act -	3,194
(B) For and in connexion with the electrical	
equipment of the tramways authorised by	
this Act - - - - -	1,222

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the tramways authorised by this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act respectively referred to as the deposited plans and sections :

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 (that is to say) :—



PART I.

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PRELIMINARY.

1.—(1) This Act may be cited as the *Ashton-under-Lyne Corporation Act 1917.*

Short and  
collective  
titles.

(2) The following Acts (namely):—

The *Ashton-under-Lyne Improvement Act 1849* ;

12 & 13 Vict.  
c. xxxv.

The *Ashton-under-Lyne Improvement Act 1877* ;

40 & 41 Vict.  
c. clxxi.

The *Ashton-under-Lyne Improvement Act 1886* ;

49 & 50 Vict.  
c. lxxviii.

The *Ashton-under-Lyne Corporation Act 1893* ;

56 & 57 Vict.  
c. cxcv.

The *Ashton-under-Lyne and Dukinfield Corporations*  
(*Alma Bridge &c.*) *Act 1902* ; and

2 Edw. 7.  
c. xliv.

This Act ;

may be jointly cited as the *Ashton-under-Lyne Corporation Acts 1849 to 1917.*

(3) The *Ashton-under-Lyne Corporation Tramways Orders 1900 and 1901* the *Ashton-under-Lyne and Dukinfield Corporations (Alma Bridge &c.) Act 1902* and this Act may be jointly cited as the *Ashton-under-Lyne Corporation Tramways Acts 1900 to 1917.*

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

Incorporation of  
Acts.

(1) The *Lands Clauses Acts* (except section 127 of the *Lands Clauses Consolidation Act 1845* and except the provisions with respect to the purchase and taking of lands otherwise than by agreement); and

(2) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the *Tramways Act 1870* :

Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the *Tramways Act 1870* or by

Interpretation.

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A.D. 1917. the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Ashton-under-Lyne;

“The borough” means the borough of Ashton-under-Lyne;

“The mayor” “the town clerk” “the treasurer” and “the surveyor” mean respectively the mayor the town clerk the treasurer and the surveyor of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The borough fund” “the borough rate” and “the improvement rate” mean respectively the borough fund the borough rate and the improvement rate of the borough;

“The tramways” means the tramways for the time being belonging to or authorised to be constructed by the Corporation and includes any of the tramways authorised by the Order of 1896 when acquired by the Corporation;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any



Provisional Order confirmed by Act of Parliament passed A.D. 1917.  
or to be passed or under any order or sanction of any  
Government department made or given or to be made  
or given by authority of any Act of Parliament passed  
or to be passed ;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation ;

“The Order of 1896” means the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 ;

“The Order of 1900” means the Ashton-under-Lyne Corporation Tramways Order 1900 ;

“The Order of 1901” means the Ashton-under-Lyne Corporation Tramways Order 1901 ;

“Railway company” includes a joint committee of two or more railway companies ;

“The First Schedule” “the Second Schedule” and “the Third Schedule” mean respectively the First Second and Third Schedules to this Act.

## PART II.

### TRAMWAYS.

4.—(1) The agreement dated the twenty-first day of November nineteen hundred and sixteen and made between the parish council of Bardsley of the one part and the Corporation of the other part and the agreement dated the twenty-first day of November nineteen hundred and sixteen and made between the parish council of Waterloo of the one part and the Corporation of the other part of which copies are set forth in the First and Second Schedules respectively are hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed in writing between the parties thereto respectively.

Confirmation  
of scheduled  
agreements.

(2) The Corporation and each of the parish councils mentioned in this section may with the consent of the Board of Trade enter into and carry into effect further agreements

• A.D. 1917. — relative to the transfer to the Corporation of the powers vested in the parish council with reference to the purchase of so much of the undertaking authorised by the Order of 1896 as is situate in their parish and with reference to the terms and conditions upon and subject to which any such transfer shall take place.

Application  
of Special  
Acts (Extension  
of Time)  
Act 1915.

5. Applications may be made under the Special Acts (Extension of Time) Act 1915 by the local authorities of the districts in which the tramways authorised by the Order of 1896 are situate or by any of those authorities for an extension of the period of twenty-one years which is mentioned in section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 and at the expiration of which the authorities or authority by whom the application is made are authorised to exercise the powers of that section and upon any such application an order may be made under the said Act of 1915 and the provisions of that Act with any necessary modifications shall apply accordingly.

Power to  
make tram-  
ways.

6. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain within the borough the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turnouts crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith (namely):—

Tramway No. 1 (double line 2·08 chains in length) to be situate in Stockport Road commencing at the boundary of the borough and terminating by a junction with the existing tramway authorised by the Order of 1896 at a point three yards or thereabout easterly of the westerly gable of the Corporation Arms Inn:

Tramway No. 2 (double line 3·88 chains in length) to be situate in Chester Square commencing by a junction with the existing tramway authorised by the Order of 1896 opposite or thereabout to the centre of the entrance gateway to Delamere House and terminating by a junction with the existing tramway of the Corporation at a point three yards or thereabout on the easterly side of the Astley Arms Inn:



Tramway No. 3 (single line 6·36 chains in length) to be situate in Warrington Street and Katherine Street commencing by a junction with the existing tramway of the Corporation in Warrington Street at a point four yards or thereabout south of the north side of Spring Street and terminating by a junction with the existing tramway authorised by the Order of 1896 in Katherine Street at a point twenty-two yards or thereabout east of Warrington Street: A.D. 1917.

Tramway No. 4 (single line 1·36 chains in length) to be situate in Warrington Street and Katherine Street commencing by a junction with the intended Tramway No. 3 in Warrington Street at a point eight yards or thereabout south of Katherine Street and terminating by a junction with the existing tramway authorised by the Order of 1896 in Katherine Street at a point eight yards or thereabout west of Warrington Street:

Tramway No. 5 (single line 3·33 chains in length) to be situate in Market Street commencing by a junction with the existing tramway of the Corporation at a point two yards or thereabout north of the south side of the covered Market House and terminating by a junction with the existing tramway authorised by the Order of 1896 in Wellington Road in a line with the east side of the covered Market House on the west side of Market Street.

7. The tramways authorised by this Act shall be completed within five years from the termination of the present war and on the expiration of that period the powers granted by this Act to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of tramways.

8.—(1) Upon the acquisition by the Corporation of any of the tramways or parts of tramways authorised by the Order of 1896 the provisions of that Order (except section 8 for protection of certain railway companies and section 10 for protection of county councils) shall cease to apply to the tramways and parts of tramways so acquired and the provisions of the Order of 1900 (except sections 6 to 13 19 and 31) shall so far as they are applicable in that behalf extend and apply *mutatis mutandis* Application of Order of 1900.

A.D. 1917. to and in relation to such tramways or parts of tramways and such last-mentioned provisions shall also so far as they are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways authorised by this Act as if in either case such tramways or parts of tramways had formed part of the tramways authorised by the Order of 1900.

(2) Provided that no post or other apparatus shall be erected on any carriageway in connexion with the tramways authorised by this Act except with the consent of the Board of Trade.

Alteration of tramways.

9.—(1) Notwithstanding anything contained in the Acts relating to the tramways the Corporation with the consent of the Board of Trade may—

- (A) make maintain alter and remove such cross-overs passing-places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working of the tramways or for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation;
- (B) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways either when constructing the tramways or at any time thereafter; and
- (C) construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Board of Trade) if the owners or occupiers of



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one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

(3) Provided also that the powers conferred by paragraph (B) of subsection (1) of this section shall not be exercised by the Corporation in any main road vested in the Lancashire County Council nor shall an application be made to the Board of Trade for consent to exercise such powers except in each case with the prior consent of the county council which consent may be given by the county council upon and subject to such terms and conditions as the county council may think fit.

(4) Notwithstanding anything contained in this section section 8 (For protection of the Cheshire Lines Committee the Lancashire and Yorkshire and the London and North Western and the Manchester Sheffield and Lincolnshire Railway Companies) excepting subsection (7) thereof of the Order of 1896 shall apply to the powers conferred by this section.

(5) Section 19 (Alteration of tramways) of the Ashton-under-Lyne Corporation Tramways Order 1900 is hereby repealed.

**10.** Before exercising the powers conferred by paragraph (B) of subsection (1) of the section of this Act whereof the marginal note is "Alteration of tramways" the Corporation shall if so required by the Lancashire County Council increase the roadway of any main road in the borough in which any of the tramways is laid or authorised to be laid to such extent as may be necessary to leave a space of nine feet six inches between the outside of the footpath on each side of such road and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such road Provided that no footpath shall be reduced in width so as to be less than six feet wide.

Widening of main roads by reduction of footpath.  
Section 9.

**11.—**(1) The Corporation during the execution of the powers of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or from any such house and shall



A.D. 1917. maintain reasonable access for vehicles and foot passengers bonâ fide going to or from any passenger or goods station or depôt of a railway company near to which any such work is being executed.

Power to provide and run omnibuses.

**12.**—(1) The Corporation may provide (but shall not manufacture) omnibuses as stage carriages for the conveyance of passengers with or without passengers' luggage and may run the same within the borough and may also run the same outside the borough along roads in which tramways are laid if and while such tramways are owned by or leased to the Corporation or (with the consent of the respective authorities or persons owning or leasing the tramways) if and while the Corporation have running powers over such tramways.

(2) The Corporation may demand take and recover the like fares and charges for the conveyance of passengers and passengers' luggage in their omnibuses as they are for the time being authorised to demand and take for the conveyance of passengers and passengers' luggage on the tramways.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them for or which they are authorised to appropriate and use for the purposes of this section or of their tramway undertaking omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(4) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses.

(5) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General and with the telegraphic and signalling apparatus on the railways of any railway company.

(6) The Corporation shall perform in respect of the omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.



(7) In this section the expression "omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

(8) The undertaking authorised by this section shall be deemed to form part of the tramway undertaking of the Corporation:

Provided that in the accounts of the Corporation relative to that undertaking their receipts and expenditure under this section shall (so far as may be reasonably practicable) be distinguished from their receipts and expenditure in connexion with the remainder of the undertaking.

(9) The powers conferred by this section of running omnibuses outside the borough shall not be exercised by the Corporation in any district except with the consent under seal of the local authority and of the road authority which consent any such local authority or road authority in their absolute discretion may grant or withhold and any such consent may be given by any such local authority or road authority for such period not exceeding seven years and upon and subject to such terms and conditions as may be agreed between any such authority and the Corporation and the terms and conditions so agreed may and shall be observed and performed by the parties to the agreement.

In this subsection—

"Local authority" means the council of any borough or urban or rural district in which the road along which the omnibuses are proposed to be run is situate;

"Road authority" means and includes the county council of any county and the council of any borough or urban or rural district in whom any such road is vested or by whom it is maintained or by whom a contribution towards the maintenance repair and reasonable improvement of such road is required by law to be made;

"District" means the area under the jurisdiction of a local authority or road authority.

**13.** The Corporation may appoint stages upon any of their tramways and in respect of omnibuses and may demand and

A.D. 1917. take for every passenger travelling upon any such stage such reasonable fares rates or charges not exceeding the fares rates and charges authorised to be taken in respect of the tramways or omnibuses (as the case may be) as may be determined by the Corporation.

Stopping and starting places.

14. The Corporation may appoint the stations and places from which the carriages on their tramways and their omnibuses shall start or at which they may stop for the purposes of taking up or setting down passengers and may make regulations for fixing the time during which such carriages and omnibuses shall be allowed to remain at any such place.

Through cars and omnibuses.

15. The Corporation may run through cars along any of the routes of the tramways or any specified portion thereof and through omnibuses along any route and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars and omnibuses a fare or charge not exceeding the maximum fare authorised for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus Provided that the running of such through cars shall in no way curtail the ordinary service.

Power to reserve cars for special purposes.

16.—(1) Notwithstanding anything contained in any Act to the contrary the Corporation may on any special occasion run and reserve cars on any of the tramways and run and reserve omnibuses for any special purpose which the Corporation may consider necessary or desirable and the Corporation may make byelaws and regulations for prohibiting the use of any such cars and omnibuses by any persons other than those for whose conveyance the same are reserved.

(2) The statutory restrictions as to tolls or charges for passengers shall not extend to any special cars or omnibuses run in pursuance of this section and in respect thereof the Corporation may demand and take such tolls or charges as they shall think fit Provided that the running of such cars shall in no way curtail the ordinary services of cars.

Payment of fares rates and charges.

17. The fares rates and charges authorised in respect of the tramways and the omnibuses of the Corporation shall be paid to such persons and at such places upon or near to the tramways or omnibuses and in such manner and under such



regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint. A.D. 1917.

**18.**—(1) The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the routes of the tramways or omnibuses and for the accommodation of the servants of the Corporation and with the consent of the local and road authorities may use for that purpose portions of the public streets or roads. Shelters or waiting-rooms.

(2) Notwithstanding anything contained in this section no shelter or waiting-room shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company except with the consent in writing of that company nor except with the like consent on any bridge carrying any street or road over such railway and any difference arising under this subsection between the railway company and the Corporation shall be determined by an arbitrator to be agreed upon or failing such agreement to be appointed by the Board of Trade on the application of either party.

**19.** Any property found in any tramcar or omnibus of the Corporation shall forthwith be handed to the conductor of the car or omnibus or taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking. Lost property.

**20.**—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars and omnibuses: Attachment of signs indicating stopping places to lamp-posts &c.

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the

A.D. 1917. Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or other similar erection belonging to a railway company except with their consent in writing.

Power to use  
trailer and  
coupled  
carriages.

**21.**—(1) The Corporation may with the consent of the Board of Trade provide (but shall not manufacture) maintain work and use trailer carriages and coupled carriages on the tramways on such routes and at such times as the Board of Trade may approve and for such periods and on such terms and conditions as may be expressed in such approval and the Board of Trade may revoke any such approval or alter the terms and conditions of any such approval.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted with such brakes and safety appliances as the Board of Trade may approve and no trailer carriage or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Board of Trade.

(3) Except so far as the Board of Trade may otherwise allow the number of carriages or vehicles which may be used or run attached together shall not in any case exceed two.

Removal of  
obstructions.

**22.** If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may remove any other obstruction to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and the Corporation shall in removing such obstruction conform to the reasonable requirements of the police.



23. 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 of the tramways 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 (Penalties for wilful injury or obstruction to tramways &c.) of the Tramways Act 1870 with respect to any of the tramways shall be liable to a fine not exceeding twenty pounds.

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Penalty for  
malicious  
damage.

24. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

As to bye-  
laws.

25.—(1) Notwithstanding anything in this Act or in the Order of 1900 or the Order of 1901 contained if any of the works authorised to be executed by this Act or the Order of 1900 or the Order of 1901 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.

For pro-  
tection of  
Postmaster-  
General.

(2) In the event of the tramways being worked by electricity the following provisions shall have effect:—

(A) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by 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

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and the Corporation as to compliance with this subsection shall be determined by arbitration:

- (B) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (c) 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 Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such 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 Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:
- (D) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation 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 Corporation pursuant to the Board of Trade regulations: A.D. 1917.

- (E) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (F) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of 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:
- (G) 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:
- (H) 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:
- (I) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (J) 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

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to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

- (K) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (L) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways:
- (M) Section 31 of the Order of 1900 and so much of section 5 of the Order of 1901 as applies the provisions of the said section 31 are hereby repealed.

Use of  
tramway  
posts by  
Postmaster-  
General.

**26.**—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;



- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:

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(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-



General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided. A.D. 1917.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression “the Corporation” includes their lessees;

The expression “telegraph” has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

**27.** The following provisions for the protection of the Ashton Gas Company and the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee each of whom is referred to in this section as “the owners” shall apply and have effect (that is to say):—

For protection of gas company and waterworks joint committee.

(1) If by reason of any works to be executed by the Corporation in pursuance of the provisions of this part of this Act any alterations are rendered necessary in the position of any gas or water mains pipes or other apparatus of the owners such alterations shall if the owners so desire be executed by the owners at the reasonable expense of the Corporation and in that case the owners shall within seven days of receiving notice from the Corporation of their intention to execute any such alterations give notice of the intention themselves to execute such alterations and shall commence and complete the same with all reasonable despatch and in default of so doing the Corporation may carry out such alterations subject to and in accordance with the provisions of section 30 (Provision as to gas and water companies) of the Tramways Act 1870:

(2) Any difference which may arise between the Corporation and the owners under this section shall be determined by an arbitrator to be agreed or failing agreement to be appointed by the Board of Trade upon the application of either party.

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For further  
protection of  
waterworks  
joint com-  
mittee.

**28.** The provisions of section 30 (Provision as to gas and water companies) section 32 (Rights of authorities and companies &c. to open roads) and section 33 (Difference between promoters and road authority &c.) of the Tramways Act 1870 shall extend and apply to the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee as though that committee were a water company within the meaning of those sections.

For protec-  
tion of cer-  
tain railway  
bridges and  
roads.

**29.** The following provisions for the protection of the Great Central Railway Company the Lancashire and Yorkshire Railway Company the Cheshire Lines Committee the Great Central and Midland Joint Committee the London and North Western Railway Company and the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom is referred to in this section as "the company") shall except so far as may be otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

(1)—(A) If under this Act the Corporation shall run omnibuses over any bridge belonging to or maintainable in whole or in part at the expense of the company and in consequence thereof such bridge shall require to be specially strengthened altered or repaired the company may at the expense of and after notice in writing to the Corporation execute all such works as may be requisite for that purpose:

(B) If any difference shall arise under this subsection between the Corporation and the company as to the necessity for strengthening altering or repairing any bridge in consequence of the running of such omnibuses over it or as to the reasonableness of the requirements of the company or as to the execution of any works provided for by this subsection the same shall be referred to arbitration:

(2)—(A) The Corporation shall pay to the company an annual sum equal to three eighths of a penny per car mile run by the omnibuses under the powers of this Act over any road wholly or in part repairable by the company towards the cost of the maintenance by the company of such road:



(B) The Corporation shall keep statements for the purposes of this subsection showing in proper detail the mileage run by each omnibus on the said roads and shall furnish copies of such statements annually to the company and the Corporation shall allow any person duly authorised by the company in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Corporation relating to the running of such omnibuses: A.D. 1917.

(c) In consideration of the payments to be made by the Corporation to the company under this subsection the company shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any such road by the omnibuses of the Corporation:

(D) Any difference at any time arising between the company and the Corporation as to the sum from time to time payable under the provisions of this subsection shall be settled by arbitration:

(3) Any question which under this section is to be settled by arbitration shall be referred to an arbitrator to be agreed upon between the company and the Corporation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

30.—(1) Section 9 (For the protection of the Great Central Railway Company) of the Order of 1900 shall extend and apply to and in respect of Tramway No. 1 by this Act authorised as if that tramway had been authorised by the Order of 1900.

For protection of Great Central Railway Company and Cheshire Lines Committee.  
Section 9.

(2) The Corporation shall not under the powers of the section of this Act whereof the marginal note is "Alteration of tramways" lay any rail within nine feet six inches of the outside of the footpath in front of the entrance to any passenger or goods station or depôt belonging to the Great Central Railway Company or the Cheshire Lines Committee within a distance of ten yards on either side of such entrance except with the consent of that company or committee but this subsection shall

A.D. 1917. not apply to so much of Tramway No. 7 authorised by the Order of 1896 as is situate in Guide Lane.

For protection of Lancashire and Yorkshire Railway Company.

**31.** The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) No posts brackets electric conductors wires apparatus or similar appliances to be used as or for the purposes of motive power for the carriages running on the tramways shall under or in pursuance of the provisions of this Act be affixed or attached to any house building or property belonging to the company or to any bridge belonging to or maintainable or repairable by the company without the consent in writing of the company first being obtained:

(2) Notwithstanding anything contained in this Act where any tramway will pass in front of the entrances to any passenger or goods station of the company no additional cross-over passing-place siding junction or other work shall be made for or in connexion therewith within nine feet six inches of the outside of the footpath 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 in writing of the company and without such consent no carriage used on the tramways and no omnibus shall be stopped or permitted to be stopped within such distance and lengths except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers.

For protection of London and North Western and Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Companies.

**32.** The following provisions for the protection of the London and North Western Railway Company and of the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom are in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—



(1) The provisions of section 7 (For protection of London and North Western and Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Companies) of the Order of 1901 shall apply to the exercise of the powers of the section of this Act whereof the marginal note is "Alteration of tramways": A.D. 1917.  
Section 9.

(2) In the exercise of the powers of the section of this Act whereof the marginal note is "Stopping and starting places" no carriage on the tramways or omnibus shall without the consent of the company be stopped within a length of ten yards in any direction from the entrance to any of the company's passenger or goods stations except for and only for so long as may be reasonably necessary for the purposes of setting down or taking up passengers. Section 14.

### PART III.

#### ELECTRICITY.

**33.** The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Act 1882 and of the Ashton-under-Lyne (Corporation) Electric Lighting Order 1892 (confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1892) with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof. Power to lay electric mains in private streets.

**34.—**(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation

A.D. 1917. shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

As to maximum power which may be demanded.

**35.** The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

Further powers as to entry upon premises.

**36.**—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 as extended by section 16 (Electric lines &c. let on hire though fixed to premises to remain the property of undertakers) of the Electric Lighting Act 1909 or from exercising the powers contained in that section shall be liable to a fine not exceeding two pounds and a daily fine not exceeding one pound.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 as so extended are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

As to offices showrooms &c.

**37.** The Corporation may in connexion with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

As to expenses and receipts.

**38.**—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and for which no other provision is made by this Act shall be



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deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under the said provisions shall be applied in manner provided by section 52 (Application of revenue) of the Ashton-under-Lyne (Corporation) Electric Lighting Order 1892 except capital moneys which shall be applied in manner provided by section 53 (Application of capital moneys) of that Order.

PART IV.

FINANCE AND RATING.

39.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column thereof (namely):—

Power to borrow.

1.	2.	3.
Purpose.	Amount.	Period.
(A) For and in connexion with the construction of tramways authorised by this Act.	£ 3,194	Thirty years from the date or dates of borrowing.
(B) For and in connexion with the electrical equipment of the tramways authorised by this Act.	1,222	Twenty years from the date or dates of borrowing.
(C) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part II. (Tramways) of this Act or of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that Part.

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(B) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

(A) As regards money borrowed for the purposes mentioned in subsection (1) of this section the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate :

(B) As regards money borrowed with the consent of the Board of Trade or of the Local Government Board such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

Section 48.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Restriction on borrowing.

**40.** Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required to pay the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Section 234 of Public Health Act 1875 not to apply.

**41.** The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

**42.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others :

Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment



of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act. A.D. 1917.

**43.** Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Provisions of Public Health Act 1875 as to mortgages to apply.  
Section 48.

Section 236 Form of mortgage;

Section 237 Register of mortgages;

Section 238 Transfer of mortgages.

**44.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing.

Mode of payment off of money borrowed.

**45.—(1)** If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal yearly or half-yearly sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund



is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

**46.**—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees

Appoint-  
ment of  
receiver.

A.D. 1917. to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Application of money borrowed.

47. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Power to use one form of mortgage for all purposes.

48.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out



of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted. A.D. 1917.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a fine not exceeding twenty pounds.

A.D. 1917.

Power to use  
sinking fund  
instead of  
borrowing.

49.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

- (A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or
- (B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

Section 48.

(2) The Corporation when exercising the powers conferred on them by this section shall—

- (A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:
- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:
- (C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised



as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly. A.D. 1917.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

**50.**—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

Power to  
re-borrow.

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

A.D. 1917.

- (c) Out of moneys derived from the sale of land; or  
(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) The following provisions are hereby repealed but without prejudice to anything done or suffered to be done thereunder respectively (namely):—

Section 36 (Power to re-borrow) of the Ashton-under Lyne Improvement Act 1877;

Section 162 (Power to re-borrow) of the Ashton-under-Lyne Improvement Act 1886;

Section 45 (Power to re-borrow) of the Ashton-under-Lyne Corporation Act 1893;

Article VI. of the Ashton-under-Lyne and Stalybridge Order 1896;

Article III. of the Ashton-under-Lyne Order 1899 so far as it applies to the moneys borrowed under that article the provisions of Article VI. of the Ashton-under-Lyne and Stalybridge Order 1896; and

Section 40 (Power to re-borrow) of the Ashton-under-Lyne and Dukinfield Corporations (Alma Bridge &c.) Act 1902 so far as it relates to the Corporation.

Power to invest all sinking funds in statutory securities.

**51.** When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Returns as to sinking funds.

**52.**—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in



pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court. A.D. 1917.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

**53.** The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for a loan may be subject but Corporation not to regard trusts.

A.D. 1917. the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Scheme for  
fixing  
equated  
periods.

**54.**—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act:

Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenue funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.



**55.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe.

A.D. 1917.  
Period for repayment of loans under Municipal Corporations Act 1882.

**56.** The Corporation may if they think fit apply any part of the surplus of the revenues of their tramway and electricity undertakings respectively in extending and improving any works for the purposes of those undertakings and in making reasonable provision for working capital.

Further provision for application of revenue of undertakings.

**57.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund or the improvement rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Expenses of execution of Act.

**58.** The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

**59.**—(1) So much of section 31 (Power to council to levy improvement rates) of the Ashton-under-Lyne Improvement Act 1849 as imposed a limit on or in respect of the improvement rate and so much of section 148 (Power to increase highway rate and improvement rate respectively leviable under the Act of 1849) of the Ashton-under-Lyne Improvement Act 1886 as relates to the improvement rate are hereby repealed.

Amendment of local Acts as to improvement rate.

(2) For the removal of doubts be it enacted that any limit imposed on or in respect of the improvement rate by any local Act of Parliament shall be deemed not to have applied to any rate required to be levied for the purpose of defraying any expenses incurred by the Corporation in the execution of the Public Health Acts.

#### PART V.

#### MISCELLANEOUS.

**60.** The Corporation may out of the borough fund—

- (1) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their

Power to apply funds for certain purposes.

A.D. 1917.

officers formed for the purpose of consultation as to their common interest and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

- (2) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough;
- (3) Make reasonable subscriptions not exceeding in the whole twenty guineas in any one year to the funds of hospitals established and maintained in the borough for the use and benefit of the public; and
- (4) Make reasonable subscriptions in aid of local territorial or volunteer forces and other institutions established in or connected with the borough for the purpose of rendering national or public services.

Lopping of  
overhanging  
trees and  
shrubs.

**61.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or with the construction or working of tramways or with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall



have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt. A.D. 1917.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

**62.** The signature of the town clerk shall be sufficient authentication of any licences granted by the Corporation under the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages or of the Town Police Clauses Act 1889. Authentica-  
tion of  
hackney  
carriage  
licences.

**63.** All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of  
Corporation,  
to be in  
writing.

**64.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of  
appointments  
and autho-  
rity.

**65.** Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him In executing  
works for  
owner Cor-  
poration  
liable for  
negligence  
only.

[Ch. xlii.] *Ashton-under-Lyne Corporation* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportionment of expenses in case of joint owners.

**66.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Determination of compensation.

**67.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Inquiries by Local Government Board.

**68.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Application of Arbitration Act 1889.

**69.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.



**70.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

A.D. 1917.

Application of section 265 of Public Health Act 1875

**71.**—(1) Save as otherwise by this Act expressly provided all offences against this Act and all fines forfeitures penalties costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Recovery of fines and expenses.

(2) Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

**72.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands in county court.

**73.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informations by whom to be laid.

**74.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or of any local Act for the time being in force in the borough by reason of his being liable to any rate.

Judges not disqualified.

**75.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act:

Saving for indictments &c.

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

A.D. 1917.

Powers of  
Act cumulative.

**76.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed:

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

For protec-  
tion of Old-  
ham Ashton  
and Hyde  
Electric  
Tramway  
Limited.

Section 6.

**77.** Unless otherwise agreed in writing between the Oldham Ashton and Hyde Electric Tramway Limited (in this section called "the company") and the Corporation the following provisions shall take effect (that is to say):—

- (1) In the exercise of the powers of the section of this Act whereof the marginal note is "Power to make tramways" the Corporation shall not cross or make any junction or connexion with any tramway of the company until such tramway has been acquired by the Corporation:
- (2) The Corporation shall not run omnibuses in competition with any tramway now belonging or leased to the company before the same has been purchased by the local authority or until the lease thereof has terminated:
- (3) The section of this Act whereof the marginal note is "Period of error in defective meters" shall not apply to a supply of electricity under the agreement between the Corporation and the company dated the second day of December nineteen hundred and four.

Section 34.

Costs of Act.

**78.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House or Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.



The SCHEDULES referred to in the foregoing Act. A.D. 1917.

THE FIRST SCHEDULE.

AGREEMENT WITH THE PARISH COUNCIL OF BARDSLEY.

Referred to in section 4.

AN AGREEMENT made the twenty-first day of November one thousand nine hundred and sixteen between the PARISH COUNCIL OF BARDSLEY in the county of Lancaster (hereinafter called "the local authority") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF ASHTON-UNDER-LYNE (hereinafter called "the Corporation") of the other part.

WHEREAS the local authority are the local authority within the meaning and for the purposes of the Tramways Act 1870 (hereinafter called "the Act") and for the township of Bardsley in the county of Lancaster (hereinafter called "the district"):

And whereas the Oldham Ashton and Hyde Electric Tramway Limited (hereinafter called "the promoters") are the promoters within the meaning and for the purposes of the Act of or in relation to so much of the tramways authorised by the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 confirmed by the Tramways Orders Confirmation (No. 2) Act 1896 as is within the district and of or in relation to all lands buildings works materials and plant (if any) of the promoters suitable to and used by them for the purposes of their undertaking within the district and such tramways within the district including all such lands buildings works materials and plant (if any) suitable and used by the promoters for the purposes of their undertaking within the district are hereinafter collectively referred to as "the existing tramway":

And whereas the local authority and the Corporation have agreed to enter into the arrangement hereinafter contained:

Now it is hereby mutually agreed and declared between and by the local authority and the Corporation in manner following (that is to say):—

1. The local authority shall within six months after the expiration of twenty-one years from the time when the promoters were empowered to construct the existing tramway take the steps prescribed by section 43

[Ch. xlii.] *Ashton-under-Lyne Corporation* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. of the Act for the purchase and (subject to their obtaining the approval of the Board of Trade) shall purchase the existing tramway from the promoters:

Provided that—

(A) Inasmuch as the existing tramway is worked by the promoters in connexion with tramways within the borough of Ashton-under-Lyne and the neighbourhood thereof the proceedings and negotiations between the local authority and the promoters for the purchase of the existing tramway by the local authority shall if the Corporation so desire be conducted as far as practicable contemporaneously with those between the Corporation and the promoters and either separately or jointly as may be arranged with the promoters but at the expense of the Corporation:

(B) If the Corporation so desire and give notice to the local authority to this effect such proceedings and negotiations for the purchase of the existing tramway by the local authority shall and may be conducted by the Corporation in the name of the local authority but at the expense of the Corporation.

2. So soon as the price to be paid for the purchase of the existing tramway by the local authority has been agreed or ascertained the local authority shall assign surrender and transfer to the Corporation the local authority's right of purchase of the existing tramway under section 43 of the Act or shall if the Corporation so desire and give notice to the local authority to this effect consent to the purchase of the existing tramway by the Corporation direct from the promoters and the Corporation shall purchase the existing tramway at the price aforesaid.

3. The local authority shall execute or join and concur in such transfer and agreement or other proceedings as may be necessary for vesting the existing tramway in the Corporation and upon completion of any such purchase from the promoters by the Corporation the existing tramway shall vest in the Corporation in all respects as if the purchase had been made by the Corporation as the local authority under section 43 of the Act. Provided nevertheless that the sale transfer to and purchase by the Corporation of the existing tramway shall not take away prejudice or affect the right of the local authority to purchase the existing tramway or any reconstructed tramway of the Corporation within the district in the place of the existing tramway under section 43 of the Act save that in the application of the said section to such tramway the period of twenty-one years mentioned in such section shall be reckoned from the date of the completion of the



A.D. 1917.

transfer of the existing tramway to the Corporation and upon the completion of such transfer the Corporation shall for the purposes of section 43 of the Act be deemed to be the promoters of the existing tramway.

4. The Corporation shall during the session of 1917 or during such further period as may be agreed upon between the Corporation and the local authority promote a Bill in Parliament to give effect to the provisions of this agreement to enable the Corporation to work the existing tramway and to reconstruct the same and the electrical equipment thereof as occasion may require in accordance with the specification agreed to between the local authority and the Corporation or failing agreement to be approved by the Board of Trade.

5. The local authority shall consent to and shall at the request and cost of the Corporation support the application of the Corporation for the said Bill to be promoted in Parliament for the purposes of this agreement and shall at the like request assist the Corporation in carrying out any scheme for reconstruction of the existing tramway in accordance with such specification but in all things at the expense of the Corporation.

6. The Corporation shall work the existing tramway when so acquired by them or any reconstructed tramway as part of the Corporation's tramway system.

7. The local authority shall at the request and cost of the Corporation concur in and support any application which the Corporation may deem it expedient to make to Parliament to postpone the time for the purchase of the promoters' undertaking under section 43 of the Act and if the Corporation shall at any time deem it advisable to make an application to the Board of Trade for an order under the Special Acts (Extension of Time) Act 1915 extending or further extending the time for the purchase by the Corporation of such part of the promoters' undertaking as is within the borough of Ashton-under-Lyne the local authority shall on being requested so to do by the Corporation and at the cost of the Corporation make a like application for an extension of time within which the local authority may exercise the power vested in them under the said section of purchasing the existing tramway within the district and in the event of the time being postponed or extended upon any such application this agreement shall take effect as if the time so postponed or extended were substituted for the period of twenty-one years from the time when the promoters were empowered to construct the tramways.

8. This agreement is made subject to power being conferred upon the parties hereto to carry it into effect and subject to such alterations (if any) as Parliament may think fit to make therein Provided that if either House of Parliament shall make any material alteration in this

A.D. 1917. agreement it shall be competent for either of the parties thereto by notice in writing to be given to the other of them before the Bill for the Act to confirm this agreement shall have been read the third time in the Second House to rescind this agreement in which case the same shall be rescinded and of no effect.

Signed sealed and delivered on behalf of the said parish council of Bardsley at a meeting of the said council held on the 21st day of November one thousand nine hundred and sixteen by George Lees the chairman presiding at the meeting and Arthur Erlam Dobb and Harry Dobb two other members of the said council in the presence of

GEORGE LEES.

L.S.

ARTHUR E. DOBB.

L.S.

HARRY DOBB.

L.S.

REGD. EARNSHAW Clerk to the Council.

The corporate common seal of the borough of Ashton-under-Lyne was hereunto affixed in pursuance of a resolution of the council of the said borough in the presence of

EDW. B. HEAP Mayor.

F. W. BROMLEY Town Clerk.

L.S.

## THE SECOND SCHEDULE.

### AGREEMENT WITH THE PARISH COUNCIL OF WATERLOO.

Referred to in section 4.

AN AGREEMENT made the twenty-first day of November one thousand nine hundred and sixteen between the PARISH COUNCIL OF WATERLOO in the county of Lancaster (hereinafter called "the local authority") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF ASHTON-UNDER-LYNE (hereinafter called "the Corporation") of the other part.

WHEREAS the local authority are the local authority within the meaning and for the purposes of the Tramways Act 1870 (hereinafter called "the Act") and for the township of Waterloo in the county of Lancaster (hereinafter called "the district");



A.D. 1917.

And whereas the Oldham Ashton and Hyde Electric Tramway Limited (hereinafter called "the promoters") are the promoters within the meaning and for the purposes of the Act of or in relation to so much of the tramways authorised by the Oldham Ashton-under-Lyne Hyde and District Electric Tramways Order 1896 confirmed by the Tramways Orders Confirmation (No. 2) Act 1896 as is within the district and of or in relation to all lands buildings works materials and plant (if any) of the promoters suitable to and used by them for the purposes of their undertaking within the district and such tramways within the district including all such lands buildings works materials and plant (if any) suitable and used by the promoters for the purposes of their undertaking within the district are hereinafter collectively referred to as "the existing tramway":

And whereas the local authority and the Corporation have agreed to enter into the arrangement hereinafter contained:

Now it is hereby mutually agreed and declared between and by the local authority and the Corporation in manner following (that is to say):—

1. The local authority shall within six months after the expiration of twenty-one years from the time when the promoters were empowered to construct the existing tramway take the steps prescribed by section 43 of the Act for the purchase and (subject to their obtaining the approval of the Board of Trade) shall purchase the existing tramway from the promoters:

Provided that—

(A) Inasmuch as the existing tramway is worked by the promoters in connexion with tramways within the borough of Ashton-under-Lyne and the neighbourhood thereof the proceedings and negotiations between the local authority and the promoters for the purchase of the existing tramway by the local authority shall if the Corporation so desire be conducted as far as practicable contemporaneously with those between the Corporation and the promoters and either separately or jointly as may be arranged with the promoters but at the expense of the Corporation:

(B) If the Corporation so desire and give notice to the local authority to this effect such proceedings and negotiations for the purchase of the existing tramway by the local authority shall and may be conducted by the Corporation in the name of the local authority but at the expense of the Corporation.

2. So soon as the price to be paid for the purchase of the existing tramway by the local authority has been agreed or ascertained the local authority shall assign surrender and transfer to the

[Ch. xlii.] *Ashton-under-Lyne Corporation* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. Corporation the local authority's right of purchase of the existing tramway under section 43 of the Act or shall if the Corporation so desire and give notice to the local authority to this effect consent to the purchase of the existing tramway by the Corporation direct from the promoters and the Corporation shall purchase the existing tramway at the price aforesaid.

3. The local authority shall execute or join and concur in such transfer and agreement or other proceedings as may be necessary for vesting the existing tramway in the Corporation and upon completion of any such purchase from the promoters by the Corporation the existing tramway shall vest in the Corporation in all respects as if the purchase had been made by the Corporation as the local authority under section 43 of the Act. Provided nevertheless that the sale transfer to and purchase by the Corporation of the existing tramway shall not take away prejudice or affect the right of the local authority to purchase the existing tramway or any reconstructed tramway of the Corporation within the district in the place of the existing tramway under section 43 of the Act save that in the application of the said section to such tramway the period of twenty-one years mentioned in such section shall be reckoned from the date of the completion of the transfer of the existing tramway to the Corporation and upon the completion of such transfer the Corporation shall for the purposes of section 43 of the Act be deemed to be the promoters of the existing tramway.

4. The Corporation shall during the session of 1917 or during such further period as may be agreed upon between the Corporation and the local authority promote a Bill in Parliament to give effect to the provisions of this agreement to enable the Corporation to work the existing tramway and to reconstruct the same and the electrical equipment thereof as occasion may require in accordance with the specification agreed to between the local authority and the Corporation or failing agreement to be approved by the Board of Trade.

5. The local authority shall consent to and shall at the request and cost of the Corporation support the application of the Corporation for the said Bill to be promoted in Parliament for the purposes of this agreement and shall at the like request assist the Corporation in carrying out any scheme for reconstruction of the existing tramway in accordance with such specification but in all things at the expense of the Corporation.

6. The Corporation shall work the existing tramway when so acquired by them or any reconstructed tramway as part of the Corporation's tramway system.

7. The local authority shall at the request and cost of the Corporation concur in and support any application which the Corporation may deem it expedient to make to Parliament to postpone the time for the purchase of the promoters' undertaking under section 43



A.D. 1917.

of the Act and if the Corporation shall at any time deem it advisable to make an application to the Board of Trade for an order under the Special Acts (Extension of Time) Act 1915 extending or further extending the time for the purchase by the Corporation of such part of the promoters' undertaking as is within the borough of Ashton-under-Lyne the local authority shall on being requested so to do by the Corporation and at the cost of the Corporation make a like application for an extension of time within which the local authority may exercise the power vested in them under the said section of purchasing the existing tramway within the district and in the event of the time being postponed or extended upon any such application this agreement shall take effect as if the time so postponed or extended were substituted for the period of twenty-one years from the time when the promoters were empowered to construct the tramways.

8. This agreement is made subject to powers being conferred upon the parties hereto to carry it into effect and subject to such alterations (if any) as Parliament may think fit to make therein Provided that if either House of Parliament shall make any material alteration in this agreement it shall be competent for either of the parties thereto by notice in writing to be given to the other of them before the Bill for the Act to confirm this agreement shall have been read the third time in the Second House to rescind this agreement in which case the same shall be rescinded and of no effect.

Signed sealed and delivered on behalf of the said parish council of Waterloo at a meeting of the said council held on the 21st day of November one thousand nine hundred and sixteen by James Jones the chairman presiding at the meeting and Sam Vernon and Albert Mawdsley two other members of the said council in the presence of

JAMES JONES.

L.S.

SAM VERNON.

L.S.

ALBT. MAWDSLEY.

L.S.

REGD. EARNSHAW Clerk to the Council.

The corporate common seal of the Corporation of the borough of Ashton-under-Lyne was hereunto affixed in pursuance of a resolution of the council of the said borough in the presence of

EDW. B. HEAP Mayor.

F. W. BROMLEY Town Clerk.

L.S.

A.D. 1917.

THE THIRD SCHEDULE.

Referred to in Section 48.

FORM OF MORTGAGE.

BOROUGH OF ASHTON-UNDER-LYNE.

By virtue of the Ashton-under-Lyne Corporation Act 1917 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the Town Hall in the said borough [(subject as hereinafter provided) on the day of nineteen hundred and ] [by ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hands of the town clerk and treasurer of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of nineteen hundred and



THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1917.

The within-named \_\_\_\_\_ consenting  
the within-mentioned time for repayment of the within-mentioned  
principal sum of \_\_\_\_\_ is hereby extended to  
the \_\_\_\_\_ day of \_\_\_\_\_ nineteen  
hundred and \_\_\_\_\_ [and the interest to be paid  
thereon on and from the \_\_\_\_\_ day of \_\_\_\_\_ nineteen  
hundred and \_\_\_\_\_ is hereby declared to be  
at the rate of \_\_\_\_\_ per centum per annum].  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ nineteen  
hundred and \_\_\_\_\_

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) \_\_\_\_\_ of \_\_\_\_\_  
in consideration of the sum of \_\_\_\_\_ pounds paid  
to me by \_\_\_\_\_ of \_\_\_\_\_ (hereinafter  
referred to as "the transferee") do hereby transfer to the transferee  
(his) executors administrators and assigns (the within-written security)  
(the mortgage number \_\_\_\_\_ of the revenues of the  
mayor aldermen and burgesses of the borough of Ashton-under-Lyne  
bearing date the \_\_\_\_\_ day of \_\_\_\_\_ ) and all  
my right and interest under the same subject to the several conditions  
on which I hold the same at the time of the execution hereof and I  
the transferee for myself my executors administrators and assigns do  
hereby agree to take the said mortgage security subject to the same  
conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ nineteen  
hundred and \_\_\_\_\_

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FOR

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