



### CHAPTER IV.

An Act to enable the Mayor Aldermen and Burgesses of the Borough of Bolton to work their own and certain suburban Tramways and for other purposes. A.D. 1893:

[9th June 1893.]

WHEREAS by the Bolton and Suburban Tramways Order 1878 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1878 and in this Act referred to as "the Order of 1878") the mayor aldermen and burgesses of the borough of Bolton (in this Act called "the Corporation") as to the said borough and certain adjacent townships and the local boards for the districts of Astley Bridge Farnworth and Kearsley respectively as to their said respective districts were authorised to construct certain tramways and to enter into and carry into effect agreements inter se with respect to the construction maintenance repair and management of any of the tramways for the time being belonging to any of the contracting parties or of any part thereof and to appoint a joint committee to carry into execution all or any of the powers of that Order: 41 & 42 Vict. c. ccxxxi.

And whereas by the Bolton and Suburban Tramways Order 1888 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1888 and in this Act referred to as "the Order of 1888") the carriages used on the said tramways were authorised to be worked by steam electrical or any mechanical power under and subject to the conditions in that Order specified: 51 & 52 Vict. c. xcvi.

And whereas the Corporation as to the portions of the tramways constructed by them under the powers of the Order of 1878 demised the same for a term of years which determined on the seventeenth day of December one thousand eight hundred and eighty-eight and the said portions are now being worked by one of the former lessees of the tramways from year to year under an agreement which will expire on the seventeenth day of December one thousand eight hundred and ninety-four:

And whereas by the Bolton Corporation Tramways Act 1891 (in this Act called "the Act of 1891") the Corporation were authorised 54 Vict. c. xiii.

A.D. 1893. to construct additional tramways in and adjacent to the borough and those tramways were for all purposes constituted a part of the tramway undertaking of the Corporation :

And whereas it is expedient that in certain events and under the restrictions in this Act contained the Corporation be authorised to work all or any of the tramways constructed under the provisions of the Order of 1878 and the Act of 1891 respectively :

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation :

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

45 & 46 Vict. c. ccxlv. And whereas by the Bolton Improvement Act 1882 (in this Act called "the Act of 1882") the Corporation were empowered to exercise their statutory borrowing powers for the time being by means of the creation and issue of Corporation stock redeemable or irredeemable :

55 & 56 Vict. c. lxviii. And whereas by a Provisional Order of the Local Government Board relating to the borough (confirmed by the Local Government Board's Provisional Orders Confirmation Act 1892 and in this Act referred to as "the Order of 1892") the power of the Corporation to create and issue irredeemable stock was repealed :

And whereas an absolute majority of the whole number of the Council at a meeting held on the nineteenth day of December one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Bolton Weekly Guardian a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

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1. This Act may be cited as the Bolton Corporation Tramways Act 1893. Short title.

2. The provisions of the Commissioners Clauses Act 1847 with respect to mortgages (except section 84) and the provisions of the Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement) are so far as applicable for the purposes and not inconsistent with the provisions of this Act incorporated with and form part of this Act. Incorporation of parts of general Acts.

3. In this Act unless the context otherwise requires—

Interpretation.

“The borough” means the borough of Bolton;

“The council” means the council of the borough;

“The town clerk” means the town clerk of the borough;

“The local boards” means the local boards for the respective districts of Astley Bridge Farnworth and Kearsley;

“The recited Acts” means and includes the Acts and Orders recited in the preamble of this Act;

“The Corporation tramways” means the tramways authorised by the Order of 1878 and the Act of 1891 respectively to be constructed by the Corporation;

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

Terms to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings:

In the Commissioners Clauses Act 1847 for the purposes of this Act—

“The Commissioners” means the Corporation;

“The clerk to the Commissioners” means the town clerk.

4. This Act shall be carried into execution by the Corporation acting by the council. Act to be executed by the council.

5. If the Corporation are at any time unable to demise the Corporation tramways or any of them upon such terms as in the opinion of the Board of Trade will yield to the Corporation an adequate rent therefor the Board of Trade may grant (subject to the provisions of this Act) a license to the Corporation to work such tramways and the Corporation may thereupon work the same. Corporation may in certain cases work tramways.

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Corporation  
in certain  
events may  
work the  
local board  
tramways.

6. Subject to the provisions of this Act and subject and without prejudice to the powers of the Order of 1878 and any lease or agreement already lawfully entered into by the Corporation or the local boards if any of the local boards be unable at any time to demise their tramways upon such terms as in the opinion of the Board of Trade will yield to that local board an adequate rent therefor and the Corporation are working any tramways now or hereafter in immediate connexion with the tramways of such local board the Corporation shall (if the Board of Trade so direct) from time to time enter into and fulfil agreements or leases for the working of the tramways of that local board by the Corporation for such period as the Board of Trade may sanction not exceeding seven years at any one time and upon such terms and conditions as to rental or otherwise as shall be mutually agreed upon or as in case of dispute shall be settled by the Board of Trade and in such case the Board of Trade may grant a license to the Corporation to work the tramways to which the agreement or lease so entered into applies and thereupon the Corporation may and shall work the same accordingly. Provided that any such agreement or lease shall not be made to commence until after the determination of any agreement or lease lawfully subsisting. Provided also that for the purposes of this section and as between the Corporation and such local board the Corporation shall be deemed to be working tramways in immediate connexion with the tramways of such local board if the Corporation are at the time working any part of any tramway so in immediate connexion.

Corporation  
may provide  
plant for  
tramways  
worked by  
them.

7. The Corporation may provide such stables buildings horses cars engines fixed and movable plant harness apparatus materials and things (all of which are herein-after included in the word "plant") and may employ such persons as may be requisite or convenient for working the tramways for the time being worked by them and the several provisions in the recited Acts relating to the working of the tramways and the taking of the tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the tramways for the time being worked by the Corporation.

Corporation  
to cease to  
work tram-  
ways in  
certain event.

8. If at any time during such working by the Corporation any company or person make to the Corporation a tender in writing to take leases of and to work the Corporation tramways including the tramways of such of the local boards as shall have lawfully demised or agreed to demise their tramways to the Corporation for such period (not being less than seven years unless the Corporation and the local boards respectively otherwise agree) at such rents to be payable to the Corporation and such local boards

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respectively and upon such terms as shall in the opinion of the Board of Trade be adequate and proper and such company or person shall at the same time offer to purchase the horses cars engines and fixed and movable plant of the Corporation at a price to be fixed (unless otherwise agreed on between such company or person and the Corporation) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Corporation tramways (inclusive as aforesaid) shall be respectively demised by the Corporation and by such local boards as aforesaid to such company or person at such rents and upon such terms and conditions as aforesaid and the powers of the Corporation to work the tramways shall cease during the continuance of such lease and their agreements or leases with the said local boards shall thereupon determine.

9. The following provisions shall have effect in the event of any tramways of the Corporation being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

For the protection of the electric systems of the Lancashire and Yorkshire and London and North-western Railway Companies.

(1) The Corporation shall so construct and maintain their electric circuits and other works of all descriptions and shall so work their tramways in all respects as to prevent any injurious interference by induction leakage or otherwise with the electric circuits from time to time used by the Lancashire and Yorkshire Railway Company or the London and North Western Railway Company for the purpose of telegraphic telephonic or electric signalling communication or with any other electrical appliances in connection with the railways of such companies or either of them or with the currents in such circuits:

(2) Seven days before commencing to lay down any electric circuit or to supply electricity through any electric circuit in any manner whereby the work of telegraphic telephonic or electric signalling communication or any other electric appliances through any wires or lines lawfully laid down or placed in any position by the said company or companies may be injuriously affected the Corporation shall unless otherwise agreed with the said company or companies as the case may be give to such company or companies notice in writing specifying the course nature and gauge of such electric circuit and the amount and nature of the current intended to be sent along the same and the Corporation shall conform with such reasonable requirements as may from time to time be made by the said company or companies as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid:

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(3) If in the construction working use or maintenance of the said tramways or the electric circuits or other works of the Corporation the telegraphic telephonic or electric signalling communication or the electric circuits or any other electric appliance used by or in connection with the railways of the said companies or either of them shall at any time or from time to time be interfered with or disturbed the said company or companies as the case may be shall and may execute and maintain all such needful and proper works as may be reasonably necessary for removing or obviating any such interference or disturbance Provided that the company or companies executing any works under this sub-section shall forthwith give notice thereof in writing to the Corporation specifying in such notice the particular interference or disturbance complained of and the character and extent of the works which are being executed in consequence thereof:

(4) If any difference shall arise between the Corporation and the said railway companies or either of them as to the reasonableness of any requirements under sub-section (2) of this section or as to the necessity character extent or cost of the works executed under sub-section (3) of this section such difference shall be settled by the Board of Trade on the application of all or any of the parties and the reasonable cost of the construction and maintenance of the works executed under the said sub-section (3) or (in case of difference) of such of those works as the Board of Trade shall find to have been reasonably executed by the said railway companies or either of them as aforesaid shall be borne and paid by the Corporation and the decision of the Board of Trade upon any matter or difference referred to them under this sub-section shall be final:

(5) The expression "the Corporation" in this section shall include their lessees and the licensees or any person owning or working any of the tramways of the Corporation:

(6) Provided always that if the Corporation or the said railway companies or either of them at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a joint committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the said railway companies or either of them or the Corporation as the case may be shall not be entitled to oppose such application except on details.

Power to  
acquire land  
by agree-  
ment.

**10.** The Corporation may under the powers of this Act from time to time by agreement acquire in fee or for a term of years or other period either by purchase or by way of exchange or otherwise

any lands for tramway purposes not exceeding five acres but nothing in this Act shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands so taken.

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11. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and in any exchange the Corporation may give or take any money for equality of exchange.

Consideration for such acquisition.

12. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

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

13. The Corporation may with the consent of the Local Government Board from time to time appropriate for the purposes of this Act any lands for the time being belonging to them and forming part of their corporate estates.

Corporation may use their own lands for purposes of Act.

14. The following sections of the Bolton Improvement Act 1877 (that is to say) :—

Section 75 (Power to retain and sell &c. lands); and

Section 77 (Proceeds of sale of surplus lands to be treated as capital)—

shall extend and apply mutatis mutandis to and in relation to the acquisition lease and sale of lands by the Corporation under the powers of this Act.

Certain sections of the Bolton Improvement Act 1877 extended to this Act.

15. Nothing in this Act shall be taken to dispense with the consent of the Treasury to any exchange appropriation or disposition of any lands of the Corporation in any case in which the consent of the Treasury would have been required if this Act had not been passed.

As to consent of Treasury to appropriation &c. of lands.

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Power to  
Corporation  
to borrow.

16. The Corporation may from time to time borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say) :—

For paying the costs of this Act as herein-after defined on the security of the borough fund and borough rate ;  
and (with the consent of the Local Government Board)—

For tramway purposes on the security of the net tramway revenue and borough fund and borough rate :

And in calculating the sums the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned. The powers of the Corporation as to borrowing and reborrowing shall not be restricted by any of the provisions of the Public Health Acts.

Certain pro-  
visions of  
Act of 1882  
extended to  
this Act.

17. Part XI. (Corporation Stock) of the Act of 1882 as amended by the Order of 1892 and by this Act and by any Provisional Order confirmed by Parliament during this present session shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to all moneys borrowed under the powers of this Act :

Provided that "the Stamp Act 1891" shall be substituted for "section 53 of the Inland Revenue Act 1880" in sub-division A of the Fifth Schedule of the Act of 1882.

As to repay-  
ment &c.

18.—(1.) The repayment of moneys borrowed under the powers of this Act shall be effected—

By equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of a sinking fund ;

Or partly by such instalments and partly by means of a sinking fund.

(2.) And the sinking fund shall be provided as follows :—

The Corporation in every year after the date in that behalf by this section prescribed shall appropriate and set apart out of the tramway revenue or out of the borough fund or borough rate such equal sum as will with the accumulations thereof by way of compound interest at three per centum per annum be sufficient to pay off within the prescribed period the whole of the principal moneys borrowed on such security so far as the same are to be paid off by means of a sinking fund.

(3.) The first payment by instalments or to the said sinking fund as the case may be shall be made on the thirty-first day of March next following the expiration of one clear year after the date of the borrowing of such moneys.



(4.) The Corporation shall repay moneys borrowed under the powers of this Act within the following periods (in this Act referred to as the prescribed periods) from the date of the borrowing of the said moneys respectively (that is to say) :—

For the purpose of paying the costs of this Act within any period not exceeding ten years ;

For tramway purposes within such period or periods not exceeding thirty years as the Local Government Board may prescribe.

(5.) The sums to be annually appropriated and set apart to any sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment.

(6.) The Corporation shall not create or issue any irredeemable stock :

The following provisions shall extend and apply to and in relation to the sinking fund (that is to say) :—

The yearly sums to be appropriated and set apart for the sinking fund shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in any statutory security other than a security of the Corporation :

The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which the sinking fund was set apart in such order and manner as they deem proper Provided as follows (that is to say) :—

That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate of three pounds per centum per annum ;

That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income of the sinking fund apply the same in payment of the interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto ;

That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal

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annual payments to the sinking fund are based such deficiency shall be made good out of the net tramway revenue or the borough fund or borough rate as the case may require but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to re-borrow.

19. If the Corporation pay off any moneys borrowed by them under the powers of this Act otherwise than by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or other moneys received on capital account (other than borrowed moneys) they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Sinking funds may be adjusted in certain events.

20. If the Corporation out of any moneys received on any exchange of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed under the powers of this Act the payments to the sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Corporation not to regard trusts.

21. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register-book 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Annual return to Local

22. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set

apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

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Government Board with respect to sinking funds &c.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

**23.** All moneys borrowed by the Corporation under this Act shall be applied to the purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose.

Application of moneys borrowed.

**24.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or as are incurred in relation to Corporation Stock) shall be paid out of tramway revenue :

Expenses of executing Act.

And all deficiencies in the said revenue shall be met out of the borough fund and all moneys payable to or receivable by the Corporation under this Act shall be carried to the borough fund and to the proper account therein.

**25.** All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that

Costs of Local Government Board.

A.D. 1893. Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

Costs of Act.

**26.** All 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 of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

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