CHAPTER ci.

An Act to empower the Corporation of Barrow-in-Furness to construct an opening bridge across Walney Channel to make certain street works to lay down additional tramways and to execute works in connection with their water undertaking and for other purposes. A.D. 1904

[22nd July 1904.]

WHEREAS in order to improve the communication between the main land in the borough of Barrow-in-Furness and the Island of Walney (also within the borough) it is expedient that the mayor aldermen and burgesses of the borough of Barrow-in-Furness (in this Act referred to as "the Corporation") should be authorised to construct the opening bridge across Walney Channel with the approaches and works in connection therewith herein-after in this Act described:

And whereas it is expedient that the Corporation should be authorised to construct the street works tramways and other works by this Act authorised:

And whereas the construction of the bridge authorised by this Act will be of special advantage to Vickers Sons and Maxim Limited in regard to their works in the borough and also to their employees and it is expedient that the agreement entered into between them and the Corporation and set forth in the Third Schedule to this Act (whereby the company agree to contribute in certain events to deficiencies in the revenue arising from the tolls authorised to be taken under this Act) should be confirmed and carried into effect:

And whereas the construction of the new road in this Act mentioned would facilitate the construction of the waterworks authorised by the Barrow-in-Furness Corporation Act 1901 and it

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is expedient that the Corporation should be authorised to construct the same:

And whereas it is expedient to make such other provisions as this Act contains:

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

And whereas estimates have been prepared by the Corporation for the purchase of lands for and the execution of the various works by this Act authorised and such estimates are as follows:—

	£
For and in connection with the construction of the bridge by this Act authorised - - -	152,000
For and in connection with the construction of the street works within the borough by this Act authorised - - - - -	24,600
For and in connection with the construction of the tramways by this Act authorised - -	17,700
For and in connection with the construction of the new road authorised by this Act and for other waterworks purposes - - - -	3,000

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

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of December one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Barrow Herald a local 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:

And whereas such resolution was published twice in the said Barrow Herald 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 fourth day of January one thousand nine hundred and four being not less then fourteen days after the deposit of the Bill in Parliament;

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And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the county palatine of Lancaster and the county of Cumberland and are herein-after respectively referred to as the deposited plans sections and books of reference:

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:—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Barrow-in-Furness Corporation Act 1904.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Bridge and Street Works.
Part III.—Lands.
Part IV.—Tramways.
Part V.—Water.
Part VI.—Financial and Miscellaneous Provisions.

Incorporation of Acts.

3. 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:—

The Lands Clauses Acts:

Sections 3 (Interpretation of terms) and 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that 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

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and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages" were omitted from that section:

Provided that 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 alteration of or interference with any telegraphic line belonging to or used by the Postmaster General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Act of 1901 have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Barrow-in-Furness;

"The borough" means the borough of Barrow-in-Furness;

"The council" means the council of the borough;

"The town clerk" means the town clerk of the borough;

"The borough fund" and "borough rate" mean respectively the borough fund and borough rate of the borough;

"The bridge" means the opening bridge (Street Work No. 2) by this Act authorised;

"Vessel" means and includes any vessel boat barge or craft of any description;

"The harbour authority" means the Furness Railway Company or other the company or person for the time being owning or having control of the docks and harbour at Barrow-in-Furness;

"The tramways" means the tramways by this Act authorised;

"Mechanical power" includes steam electrical and every other motive power not being animal power;

"Engine" includes motor;

"The scheduled agreement" means the agreement set forth in the Third Schedule to this Act;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;

"The Act of 1901" means the Barrow-in-Furness Corporation Act 1901;

Provided that in regard to the incorporated enactments the expressions "undertakers" "promoters of the undertaking" and "the company" mean the Corporation.

Part II.

Bridge and Street Works.

Power to make bridge and new streets.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge and street works herein-after mentioned together with all necessary and proper approaches arches embankments walls steps engines hydraulic electrical and other plant culverts sewers drains toll houses buildings dolphins buoys works and conveniences connected therewith or incident thereto.

The works above referred to and authorised by this Act are--

An opening bridge (referred to on the deposited plans and sections as Street Work No. 2) consisting of fixed spans and an opening span over the Walney Channel commencing at a point on Barrow Island one hundred and fifty-four yards or thereabouts measured in a westerly direction from the centre of Ferry Road at a point on that road fifty-one yards or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Ferry Road and Burnaby Street and terminating at or near the eastern side of the Promenade in the Island of Walney at a point two hundred and sixty-eight yards or thereabouts northward of the intersection of the centre line of King Alfred Street and the Promenade;

Street Work No. 1.—An approach road commencing in Ferry Road at a point fifty-one yards or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Ferry Road and Burnaby Street and terminating at a point on Barrow Island one hundred and fifty-four yards or thereabouts measured in a westerly direction from the centre of Ferry Road described as the commencing point of this work;

Street Work No. 3.—A widening and improvement of the Promenade in the Island of Walney commencing at a point thirty yards or thereabouts measured in a south-westerly direction from the intersection of the centre lines of the

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steam ferry approach and the Promenade and terminating at a point seventy-five yards or thereabouts measured in a northerly direction from the intersection of the centre lines of King Alfred Street and the Promenade ;

Street Work No. 4.—A new road commencing in Amphitrite Street at its junction with Ocean Road and terminating in the recreation ground known as Biggar Bank :

Provided that in the construction of Street Work No. 1 the Corporation may lower the level of the railway siding and rails in or adjoining Ferry Road to any extent not exceeding three inches.

Provisions as to bridge.

6. Notwithstanding anything shown on the deposited plans and sections the following provisions shall apply in regard to the bridge :—

(1) The bridge shall be constructed with one opening span on the bascule principle of not less than one hundred and twenty feet clear between the piers or abutments of such span such span being measured at right angles to the face of the piers or abutments thereof :

(2) The bridge shall be constructed so as to have a headway of not less at any point than twenty feet clear above high water mark of ordinary tides at the centre of the opening span when the span is closed and a headway of not less at any point than six feet under any of the remaining spans of the bridge measured above high water mark in each case :

(3) The foundations of the piers or abutments of the opening span of the bridge shall be carried down to a depth of not less than twenty feet below the level of low water at ordinary spring tides so as to allow of the deepening and improvement of the bed of the Walney Channel around and near such foundations :

(4) The Corporation shall construct and maintain dolphins or jetties of sufficient strength and length both on the up and down stream ends of each of the piers or abutments of the opening span with bollards or mooring posts upon such dolphins or jetties and such dolphins or jetties shall be decked all over and so designed as to guide and facilitate vessels through the opening span :

(5) The Corporation shall during the construction of the bridge leave an open navigable space through the opening span of the bridge of not less than one

hundred feet clear between all temporary works and without any obstruction above the water except during such period and at such times as may be approved by the harbour authority for the purpose of enabling the opening leaves of the span to be constructed and the Corporation shall carry out all their works in connection with the bridge so that the navigable channel shall only be reduced to such last-mentioned width for a period not exceeding three years:

(6) The Corporation shall before commencing any works in connection with the bridge submit to the harbour authority plans and sections of such works and of the dolphins or jetties proposed to be constructed in connection with the bridge as aforesaid and the bridge and works shall be constructed in accordance with plans and sections to be agreed upon between the Corporation and the harbour authority or settled as herein-after provided and all the works of the Corporation in connection with the bridge shall be carried out under the supervision and to the reasonable satisfaction of the harbour authority Provided that if the harbour authority fail within two months after any such plans and sections shall have been submitted to them to signify their approval or disapproval thereof or any modifications required by them therein they shall be deemed to have approved of the said plans and sections and in the event of any difference between the Corporation and the harbour authority with reference to the said plans and sections or the mode of carrying out the works the same shall unless otherwise agreed be determined by an arbitrator to be appointed by the Board of Trade on the application of either party:

(7) The Corporation shall before they commence any works for the construction of the bridge or any temporary works in connection therewith affecting the Walney Channel give to the harbour authority not less than three months' notice in writing of their intention to commence such works:

(8) The opening span of the bridge shall be worked by hydraulic electric or other mechanical power and the Corporation shall at all times provide and maintain

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machinery ready and sufficient to open or close such span within a period of not more than two minutes and shall otherwise make provision for the efficient and expeditious working of the bridge in accordance with the provisions of the section of this Act the marginal note of which is "Vessels not to be detained at bridge" The Corporation shall keep persons in charge of such machinery and opening span on duty at all times and the persons so employed by the Corporation shall be appointed by and be under the orders and direction of the harbour authority but shall be paid by the Corporation:

(9) All materials excavated by the Corporation in sinking the foundations of the piers or abutments of the bridge or otherwise in connection therewith shall be carried out to sea and discharged in such places as shall be approved by the harbour authority.

Corporation to pay for laying buoys &c.

7. The Corporation shall repay to the harbour authority all expenses at any time incurred by them in laying down and maintaining such warping buoys and moorings in the Walney Channel both above and below the bridge for the purpose of facilitating the passage of vessels through the opening span of the bridge and avoiding accidents as the harbour authority shall think fit.

Corporation liable for certain expenses of dredging.

8. The Corporation shall from time to time repay to the harbour authority all expenses incurred by them in dredging or removing any shoals deposits or other accumulations or obstructions which may at any time be formed or arise in the Walney Channel by reason or in consequence of the construction of the bridge or any works connected therewith and in the event of any difference arising between the Corporation and the harbour authority under this section the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

Deviation.

9. In the construction of the bridge and street works authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding as regards the bridge seven feet upwards and as regards the street works two feet upwards or downwards and they may deviate laterally within the limits of deviation shown on the deposited plans Provided that no deviation either lateral or vertical (except

upwards) below high water mark shall be made without the consent in writing of the Board of Trade.

Period for completion of works.

10. If the bridge and street works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Incorporation of certain enactments.

11. Subject to the provisions of this Act section 26 (Power to make subsidiary works) and section 27 (Temporary stoppage of streets) of the Act of 1901 shall so far as the same are not inconsistent with the provisions of this Act extend with the necessary modifications to and in relation to the works authorised by this Part of this Act.

Lights on works.

12. The Corporation shall on the bridge and works in connection therewith to be made under the powers of this Act during the whole time of the making and altering or extending thereof exhibit and keep burning from sunset to sunrise at their own expense such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade and the harbour authority may from time to time require or approve If the Corporation make default in complying with the provisions of this section they shall for each day in which they make such default be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

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

Survey of works by Board of Trade.

14. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work made by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination

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and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Abatement of works abandoned or decayed.

15. If the bridge or any work in connection therewith made by the Corporation under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove it or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high water mark not to be commenced without consent of Board of Trade.

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

Permanent lights on works.

17. The Corporation shall after the completion of the bridge and works exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the harbour authority and the Corporation of Trinity House Deptford Strond shall from time to time direct or approve.

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

Vessels not to be detained at bridge.

18. The bridge shall be at all times maintained opened and worked by the Corporation so as not to interrupt or interfere any further than need be with the navigation and traffic of the Walney

Channel and so as to give and secure precedence and priority to vessels requiring to pass through the opening span of the bridge over the road traffic requiring to use the bridge and it shall not be lawful to detain at the bridge any vessel navigating the Walney Channel and in case any such vessel shall be wilfully or negligently detained at the bridge or obstructed delayed or hindered passing through the opening span thereof or in case any toll or payment shall be demanded taken or received for the passage of any vessel through or under the said bridge the Corporation and the person in charge of the bridge or one of them shall be liable to a penalty not exceeding ten pounds which penalty shall be recoverable either by the owner or master in command or charge of such vessel or by the harbour authority:

Provided always that the master or person having command or charge of any such vessel passing up the channel shall before such vessel comes within half a mile of the said bridge show or make some signal to be determined from time to time by the Board of Trade which shall indicate to the person in charge of the bridge that such vessel requires to pass the bridge or if a vessel be about to proceed down the channel from the north of the said bridge notice of the intention to pass through the bridge shall in like manner be given to the person in charge of the bridge.

Byelaws as to bridge.

19.—(1) Prior to the use of the bridge for public traffic the Corporation shall make byelaws regulating the times and mode of opening and closing the opening span of the bridge by this Act authorised for the passage of vessels along Walney Channel and of the traffic along the bridge and the Corporation may from time to time make further byelaws in relation to the matters aforesaid and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages vehicles or other classes of traffic.

(2) The provisions of the Harbours Docks and Piers Clauses Act 1847 relating to byelaws shall apply to byelaws made under this section and the byelaws made by the Corporation under this section shall be confirmed by the Board of Trade.

Power to take tolls.

20. The Corporation may demand and receive for the use of the bridge any tolls (in this Act called bridge tolls) not exceeding the sums mentioned in the Second Schedule to this Act and subject to the provisions of this Act and of any byelaw made thereunder all persons shall be entitled to use the bridge upon payment of the bridge tolls.

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List of tolls to be exhibited.

21. Lists of all tolls from time to time appointed by the Corporation to be taken shall be exhibited in some conspicuous place where such tolls shall be payable and no tolls by this Act authorised shall be demanded or taken during any time at which the list containing the same shall not be exhibited in accordance with the provisions of this section and if any person wilfully pull down deface or destroy any such list of tolls he shall be liable to a penalty not exceeding five pounds for every such offence.

Taking and recovery of tolls.

22. The bridge tolls shall be paid to such persons and at such places upon or near the bridge and in such manner and under such regulations as the Corporation shall by notice annexed to the lists of tolls appoint and the Corporation may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

Disputes as to amount of tolls.

23. If any dispute arises concerning the amount of the tolls due to the Corporation by virtue of this Act the same shall be ascertained by a court of summary jurisdiction.

Penalties on persons practising frauds.

24. If any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his bridge toll when the same shall be payable by virtue of this Act he shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalties on toll collectors.

25. Every toll collector who shall commit any of the following offences shall forfeit a sum not exceeding ten pounds for each such offence (that is to say) :—

(1) If he refuse to tell his Christian name and surname to any person demanding the same who shall have paid or tendered the tolls demanded of him or if he give a false name to any such person;

(2) If he wilfully and with intent to defraud demand or take a greater or less toll from any person than he shall be authorised to do by virtue of this Act and of the orders of the Corporation made in pursuance thereof.

Corporation may lease bridge and tolls.

26. The Corporation may lease for any term not exceeding seven years the bridge tolls the bridge and all works and conveniences connected therewith to any company body or person upon such terms and conditions as they think fit and the lessee during the continuance of his lease and subject to the provisions thereof shall have and may exercise the powers in regard to the

premises leased conferred upon the Corporation by this Act and shall be subject to the same provisions in respect thereto as the Corporation are under this Act Provided that no lease shall be granted by the Corporation under this section during the continuance in force of the scheduled agreement except with the consent in writing of Vickers Sons and Maxim Limited.

Application of revenue of bridge and as to deficiency.

27.—(1) The Corporation shall subject to the provisions of the scheduled agreement apply all money received by them on account of revenue in respect of the bridge and approaches thereto including Street Works No. 1 No. 2 and No. 3 by this Act authorised (in this section referred to as "the bridge") in manner and in the order following (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of the bridge ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the bridge and for the compensation payable to the Furness Railway Company under this Act in respect of their ferry ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of the bridge and compensation as aforesaid ;

Fourthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Corporation upon the bridge which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the bridge or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the bridge or for payment of the cost of renewing any part of the bridge or for extending or improving any works for the purposes of the bridge and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be

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had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the bridge (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Subject to the scheduled agreement any deficiency in the revenue of the bridge shall be made good out of the borough rate made next after such deficiency is ascertained.

Saving rights of harbour authority.

28. Except as by this Act otherwise expressly provided nothing in this Act or anything done thereunder shall restrict limit or affect the rights powers and authorities of the harbour authority in or in connection with the Walney Channel or any part thereof and without prejudice to the generality of the above reservation the harbour authority shall retain and may exercise all and the same rights and powers of dredging maintaining deepening improving lighting buoying or otherwise controlling such channel and the banks and waters thereof as if this Act had not been passed and the bridge had not been authorised.

Corporation to pay compensation in respect of ferry.

29. The Corporation shall at or before the expiration of three months from the opening of the bridge for traffic pay to the Furness Railway Company as full compensation for the damage or lessening in value which shall or may be caused to the steam ferry or floating bridge of the Furness Railway Company by the construction and opening for traffic of the bridge under the powers of this Act such sum as may be agreed between the Corporation and the said railway company or failing such agreement as may be determined by arbitration in manner provided by the Lands Clauses Acts for the settlement of cases of disputed compensation.

Part III.

Lands.

Power to acquire lands.

30. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

As to lands of railway company.

31. The Corporation shall not purchase take or use any land of the Furness Railway Company other than such land as may be necessary for the site of the bridge and the Approach Road (Street Work No. 1) and the works immediately connected therewith.

Power to appropriate lands and purchase by agreement.

32.—(1) The Corporation may with the consent of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them which are not wanted for the purpose for which such lands were originally acquired.

(2) The Corporation in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands not exceeding in the whole five acres.

(3) Nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any lands appropriated or acquired under this section.

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

33. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster or county of Cumberland as the case may be for the correction thereof.

If it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster or with the clerk of the peace for the county of Cumberland according as the said lands are situate in the county of Lancaster or the county of Cumberland and a duplicate thereof shall also be deposited with the town clerk.

The certificate and duplicate respectively shall be kept by such clerks of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for

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the Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

34. The power of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Removal of human remains from Walney Churchyard.

35.—(1) If and when the Corporation shall acquire any part of the burial ground of or attached to Walney Church they shall before applying or using such part or any portion thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said part.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of sub-sections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as herein-after mentioned to any regulations made by the Bishop of the diocese of Carlisle to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Carlisle who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with

the provisions of this section and with any regulation of the Bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the Bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the borough as the Bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough.

Limiting quantity of land to be taken from Seathwaite Fell

36. The quantity of land which may be taken by the Corporation from Seathwaite Fell for the purposes of Part V. (Water) of this Act shall not exceed one and a half acres.

Incorporation of certain sections of Act of 1901.

37. Subject to the provisions of this Act the following sections of the Act of 1901 shall so far as the same are not inconsistent with the provisions of this Act apply with the necessary modifications to and in relation to the lands and works by this Act authorised:—

Section 32 (Persons under disability may grant easements &c.);
Section 33 (Owners may be required to sell parts only of certain lands and buildings);
Section 37 (Power to retain sell &c. lands);
Section 38 (Proceeds of sale of surplus lands);
Section 40 (Provisions as to compensation);
Section 41 (Costs of arbitration &c. in certain cases):

Provided that the said section 33 shall extend and apply to the properties mentioned in the First Schedule to this Act.

Part IV.

Tramways.

Power to make tramways.

38. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and in all respects in accordance with the deposited plans and sections

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with all proper rails plates junctions turn-tables turnouts crossings passing-places posts poles brackets wires waiting rooms stables carriage-houses sheds buildings engines dynamos works and conveniences connected therewith:

Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this section are as follows:—

Tramway No. 1 (double line 7·6 chains in length) commencing in Ferry Road by a junction with the Tramway authorised by the Barrow-in-Furness Tramways Order 1903 and terminating in Ferry Road;

Tramway No. 2 (double line 2·4 chains in length) commencing in Ferry Road by a junction with Tramway No. 1 thence proceeding in a westerly direction into and terminating in the Approach Road (Street Work No. 1);

Tramway No. 3 (double line two chains in length) commencing in Ferry Road by a junction with Tramway No. 1 thence proceeding in a south-westerly and westerly direction to and terminating in the Approach Road (Street Work No. 1);

Tramway No. 4 (one mile two furlongs and one chain in length whereof four furlongs and 2·2 chains will be double line and five furlongs and 8·8 chains will be single line) commencing by a junction with Tramways Nos. 2 and 3 at their termination in the Approach Road (Street Work No. 1) thence proceeding along the said Approach Road in a westerly direction across the bridge by this Act authorised thence in a southerly direction along the Promenade in the Island of Walney thence in a south-westerly direction along Ocean Road and the New Road (Street Work No. 4) to and terminating in that road.

For protection of Furness Railway Company.

39. The following provisions shall (without prejudice to any other provisions for their protection in this Act) apply for the protection of the Furness Railway Company (herein-after called "the railway company") unless otherwise agreed between the railway company and the Corporation (that is to say):—

(1) Any alteration of any railway or siding or works of the railway company or of the level thereof by the Cor-

poration for the purposes of Street Work No. 1 or any of the tramways shall be carried out according to plans and sections previously submitted to and approved by the railway company and under the supervision and to the reasonable satisfaction of their engineer :

(2) For the purposes of Tramways Nos. 2 and 3 by this Act authorised where the same respectively will cross on the level the railways or sidings of the railway company in or alongside Ferry Road the railway company shall make all such alterations in the permanent way and rails of the said railways and sidings at such level crossings to the reasonable satisfaction of the engineer of the Corporation as may be necessary to enable the said tramways to cross the railways and sidings on the level and all expenses incurred by the railway company in so doing shall be repaid to them by the Corporation The said tramways shall be worked at the level crossings subject to such requirements as may be agreed upon between the railway company and the Corporation or as the Board of Trade may prescribe :

(3) Nothing in this Act contained shall interfere with or restrict the right of the railway company to maintain and repair the said railways and sidings without being liable to the Corporation or any parties working or using the said tramways for any interference with the tramways or the works thereof or for any interruption of the traffic thereon but the railway company shall carry out all such operations in such manner as to cause as little interference as possible with the tramways and the traffic thereon :

(4) If the Board of Trade shall in consequence of the construction and use of the said tramways or either of them require any protection of the traffic on the railways and sidings at the said level crossings or make any provision with reference to the working thereof beyond that which at present exists all signals apparatus and other works necessary for that purpose shall be provided and maintained by the railway company at the expense of the Corporation who shall also repay to the railway company from time to time any additional costs or expenses to which they may be put in connection with the working of the traffic and any such

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signals apparatus and other works in consequence of any such requirements :

(5) If any difference shall arise under this section between the Corporation and the railway company with respect to any plans or sections or the mode of carrying out any works such difference shall be determined by an arbitrator to be agreed upon or to be appointed by the Board of Trade on the application of either party :

(6) The railway company shall not be liable to any person for any damage caused in connection with the working of traffic upon their railways and sidings if the same shall happen by reason or in consequence of the construction or use of the said tramways at the said level crossings or the opening up of the said railways and sidings for public traffic across the same.

Gauge of tramways.

40. The gauge of the tramways shall be four feet Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Rails of tramways.

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

Plan of proposed mode of construction.

42. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they open or break up any road for the purpose of constructing laying down and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Penalty for not maintaining rails and roads.

43.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Corporation at any time fail to comply with this provision or with

the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

44. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Cross-overs to be constructed in certain cases.

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

Application of road materials excavated in construction of works.

46. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Period for completion of works.

47. The tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing

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the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

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

Motive power.

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

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power :

(3) The Corporation or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds :

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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Construction of electric works.

50. For the purpose of working any of the tramways by mechanical power the Corporation may place construct erect lay down make and maintain in on or under any street such posts electric conductors wires apparatus subways tunnels cables tubes and openings as may be requisite or expedient for the convenient working or user of the tramways by mechanical power or for the transmission of electricity to such tramways Provided that where any tramway crosses any railway or siding of the Furness Railway Company all such works shall be so placed as not to interfere with the working of such railway or siding or to affect or injure the safe working or use of any electrical wires signals or works of the Furness Railway Company.

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

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

Attachment of brackets to buildings.

52. The Corporation may with the consent of the owner of any building (not belonging to the Furness Railway Company) attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed

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Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

Byelaws.

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

(A) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

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

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

(D) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engines used for drawing or propelling such carriages;

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

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

Byelaws by local authority.

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

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Power to work tramways.

55. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of any tramways for the time being belonging to or leased to them or over which they exercise running powers and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power.

Regulations by Corporation.

56. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Working agreements.

57.—(1) The Corporation may subject to the provisions of this Act enter into and fulfil contracts and agreements with the owner or lessee of any tramway within or beyond the borough which can be worked with any of the tramways (each of whom is in this Act referred to as "the owning authority") with respect to the following purposes or any of them and all matters incidental or necessary thereto (that is to say):—

(A) The working running over use management occupation and maintenance by any of the contracting parties of the undertakings and tramways of or leased to the other or others of them or any part or parts thereof respectively;

(B) The supply to any of the contracting parties of motive power by the other or others of them;

(C) The interchange accommodation and forwarding of carriages passengers and traffic coming from or destined for the respective undertakings of leased to or worked by the contracting parties or any of them;

(D) The fixing payment collection and apportionment of tolls rates charges or other receipts arising upon the respective tramways;

(E) The appointment of joint committees for the carrying into effect of such agreements.

(2) For the purposes of and during the continuance of any such agreement the Corporation or the owning authority working running over managing occupying or maintaining any tramways

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shall in accordance with and to the extent provided by such agreement have and may exercise in respect of the tramways worked run over managed occupied or maintained by them all such and the like powers rights and remedies for the taking collection and recovery of rates and charges and otherwise howsoever as are by or under the Acts respectively relating to such tramways conferred upon the Corporation or owning authority.

(3) No electrical energy shall be supplied by the Corporation under the provisions of this section in any district in which any local authority company or person shall at the time of entering into such contract or agreement be supplying energy under statutory authority without the consent in writing of such local authority company or person.

(4) In this section the expression "tramway" shall include any tramroad or light railway.

Penalty for malicious damage.

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

Shelters or waiting rooms.

59. Subject to the provisions of this Act the Corporation may in connection with their tramway undertaking erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers and of the Corporation's servants and may use for that purpose portions of the public streets within the borough.

Incorporation of certain sections of Order of 1903.

60. Subject to the provisions of this Act the following sections of the Barrow-in-Furness Tramways Order 1903 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1903) shall so far as the same are not inconsistent with the provisions of this Act apply with the necessary modifications to and in relation to the tramways by this Act authorised and for the purposes of such application the expression "the Promoters" in the incorporated provisions shall be construed to mean the Corporation and any lessees working any of the tramways:—

Section 9 (For protection of railway company);
Section 16 (Power to make additional cross-overs &c. and to alter tramway lines);
Section 17 (Temporary tramways may be made where necessary);
Section 25 (Special provisions as to use of electric power);
Section 26 (For protection of Postmaster General);
Section 30 (Cheap fares for labouring classes);
Section 34 (Orders &c. of Board of Trade);
Section 35 (Recovery of penalties);
Section 36 (Form and delivery of notices);
Section 39 (Saving for general Acts).

Applying provisions of Order of 1884 as to fares tolls and charges.

61. The tramways shall for the purposes of traffic thereon and of the fares tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Barrow-in-Furness Tramways Order 1884 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1884) and the provisions of sections 38 to 46 of that Order and of Schedule B thereto shall so far as the same are applicable extend and apply to the tramways and to the traffic thereon and to the fares tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Act authorised formed part of the tramways authorised by the said Order of 1884 and for the purposes of such application the expression "the Promoters" in the said provisions shall be construed to mean the Corporation and their lessees and any person lawfully working any of the tramways.

Tolls for persons crossing bridge in tramcars.

62.—(1) In addition to the fares rates and charges which the Corporation are empowered to demand and take for passengers travelling upon their tramways the Corporation and their lessees may demand and take a toll not exceeding one halfpenny for every person travelling upon Tramway No. 4 across the bridge by this Act authorised.

(2) The Corporation and their lessees may collect the tolls which they are by this section authorised to demand and take together with the fares rates or charges authorised to be taken for travelling upon the tramways of the Corporation and shall have the same powers in regard to the collection and recovery of such tolls as they have in regard to the collection and recovery of such fares rates and charges.

(3) All tolls taken in pursuance of this section in respect of the bridge by this Act authorised shall form part of the revenue of that bridge.

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Corporation not to interfere with existing tramways.

63. Notwithstanding anything contained in this Act the Corporation shall not interfere with any of the existing tramways within the borough without the consent of the owners or lessees of such tramways.

PART V.

WATER.

Power to make road.

64. Subject to the provisions of this Act the Corporation may make and maintain the road herein-after described in the line and according to the levels shown on the deposited plans and sections with all necessary approaches and conveniences connected therewith namely :—

Work No. 5.—A new road situate in the township of Dunnerdale-with-Seathwaite commencing by a junction with the existing road leading from Tongue House past the boat house at Seathwaite Tarn at a point therein two hundred and seventy yards measured along the said road in a westerly direction from the said boat house and terminating by a junction with the existing public highway leading from Seathwaite to Coniston at a point thereon two hundred and ninety-five yards measured in a south-easterly direction along the said public highway from the point where the road leading to Long House joins the said public highway.

Lands for approaches.

65. So soon as the Corporation shall have purchased the lands herein-after described they may appropriate hold and use the same for the purpose of making approaches to their works and otherwise for purposes of their water undertaking but the Corporation shall not create or permit a nuisance upon the said lands The lands herein-before referred to are—

A field situate in the township of Ulpha known as Langelt Holm and numbered 340 on the $\frac{1}{2500}$ Ordnance map of the said township (1897 edition).

Works in this Part of Act to form part of water undertaking.

66. The works authorised by this Part of this Act shall form part of the water undertaking of the Corporation.

PART VI.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to borrow.

67.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for

the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

(A) For and in connection with the construction of the bridge by this Act authorised the sum of one hundred and fifty-two thousand pounds ;

(B) For and in connection with the construction of the street works within the borough by this Act authorised the sum of twenty-five thousand pounds ;

(C) For and in connection with the construction of the tramways by this Act authorised the sum of eighteen thousand pounds ;

(D) For and in connection with the new road authorised by this Act and for other waterworks purposes the sum of three thousand pounds ;

(E) For paying the compensation payable to the Furness Railway Company under this Act in respect of their ferry the sum requisite for that purpose ;

(F) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2) In addition to the moneys the Corporation are by this Act authorised to borrow they may borrow such further sum or sums of money for tramway purposes as the Board of Trade may sanction and such further sum or sums of money for the other purposes of this Act as the Local Government Board may sanction.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may charge the borough fund and borough rate and the estates and property of the Corporation or any of them.

Period for discharge of loans.

68. The Corporation shall pay off all moneys borrowed by them under this section within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed for the purposes (A) and (E) mentioned in the last preceding section within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) in the last preceding section mentioned within fifty years from the date or dates of borrowing the same ;

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As to moneys borrowed for the purpose (C) in the last preceding section mentioned within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (D) in the last preceding section mentioned within twenty years from the date or dates of borrowing the same;

As regards moneys borrowed for the purpose (F) in the last preceding section mentioned within five years from the passing of this Act;

As regards moneys borrowed with the sanction of the Board of Trade or the Local Government Board within such periods as they may respectively think fit to sanction.

Incorporation of certain sections of Act of 1901.

69. The following sections of the Act of 1901 are incorporated with this Act and shall extend and apply in regard to moneys borrowed under this Act as if those sections with the necessary modifications were set out in this Act namely:—

Section 53 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 54 (Provisions as to mortgages);

Section 56 (Mode of payment off of money borrowed);

Section 57 (Sinking fund);

Section 58 (Protection of lender from inquiry);

Section 59 (Corporation not to regard trusts);

Section 60 (Appointment of receiver);

Section 61 (Power to re-borrow);

Section 62 (Return respecting sinking fund to Local Government Board):

Provided that with regard to the said section 56 the suspension of payment of instalments and the sinking fund shall apply in respect of the purposes (A) and (B) herein-before mentioned.

Confirming agreement with Vickers Sons and Maxim.

70. The agreement dated the seventh day of March one thousand nine hundred and four and made between Vickers Sons and Maxim Limited of the one part and the Corporation of the other part as set forth in the Third Schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively and the same shall and may (unless otherwise agreed in writing) be carried into effect by the respective parties.

Exemption from tolls in certain cases.

71.—(1) Nothing in this Act contained shall be deemed to authorise any tolls or rates to be demanded or taken for any person when on duty in the service of the Crown or any Government

department or any horse or vehicle when being used on that service or any constable when on duty or any person employed for the purpose of assisting vessels through the bridge.

(2) If any person claims or takes the benefit of any such exemption as aforesaid without being entitled thereto and with intent to defraud he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Recovery of penalties.

72. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures 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 Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Audit of accounts.

73. 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.

Costs of Act.

74. 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 and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys borrowed under the provisions of this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED.

Area.	Numbers on deposited Plan.
Borough of Barrow-in-Furness - -	3 and 7 (Street Work No. 3). 18 (Street Work No. 4).

THE SECOND SCHEDULE.

BRIDGE TOLLS.

	s.	d.
For every foot passenger - - - - - -	0	0½
For every tramcar (including persons in charge) and in addition to the passenger toll authorised by the Act - - - -	1	0
For every handcart barrow perambulator bicycle or tricycle including person in charge - - - - - - -	0	1
For every four-wheeled carriage { including one horse and one driver - -	0	4
{ „ two horses „ „ -	0	5
For every two-wheeled carriage { including one horse and one driver - -	0	3
{ „ two horses „ „ -	0	4
For every four-wheeled wagon and not more than two horses including two drivers - - - - - -	0	4
For every two-wheeled cart and not more than one horse including one driver - - - - - - -	0	2
For every additional horse attached to a cart or carriage - -	0	1
For every milk cart including driver - - -	0	1
For every motor car including driver - - - -	0	3
For every motor lurry including two drivers - - - -	0	4

	s.	*d.*
For every passenger (other than the driver and conductor) in a cart or carriage	0	0½
For every horse or mule or ass and rider	0	2
For every head of cattle	0	2
(If more than one head of cattle for every additional one one penny)		
For every six or less number of sheep pigs or goats	0	2

For every flock of geese at the rate of 2*s.* 6*d.* per 100.

For small numbers of geese :—

	s.	*d.*
3 geese	0	1
4 to 6 „	0	2
7 to 10 „	0	3
11 to 13 „	0	4
14 to 20 „	0	6
Above 20 „	0	3 for every 10 or part thereof.

In each case the charge is for a single journey.

Special Arrangements.

For school parties including teachers in charge including a return journey—

	s.	*d.*		*s.*	*d.*
Not exceeding 30	1	0	Not exceeding 60	2	2
„ „ 35	1	2	„ „ 65	2	4
„ „ 40	1	4	„ „ 70	2	6
„ „ 45	1	6	„ „ 80	2	9
„ „ 50	1	9	„ „ 90	3	0
„ „ 55	2	0	„ „ 100	3	3

Above 100 3*d.* additional for every 10 or part thereof.

Season tickets for foot passengers 4*s.* for three months 1*s.* 6*d.* for four weeks or 6*d.* for a week.

Children under 14 years of age half-price.

Workmen's tickets to be supplied to companies or firms at 5*s.* per 100 including a return journey.

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THE THIRD SCHEDULE.

Agreement with Vickers Sons and Maxim Limited.

This Indenture made the Seventh day of March 1904 Between Vickers Sons & Maxim Limited a Company registered under the Companies Acts 1862 to 1893 whose registered office is situate at 32 Victoria Street in the City of Westminster (herein-after referred to as "the Company") of the one part and The Mayor Aldermen and Burgesses of the Borough of Barrow-in-Furness (herein-after referred to as "the Corporation") of the other part.

Whereas the Corporation are promoting a Bill (herein-after called "the Bill") in the present session of Parliament for the purpose of obtaining powers to enable and authorise the Corporation (inter alia) to make and maintain a bridge with approaches thereto from Barrow Island to the Island of Walney wholly situate within the borough of Barrow-in-Furness:

And whereas the construction of the proposed bridge would be of great advantage to the Company and their employees and the parties hereto have agreed to enter into this agreement:

Now this Indenture Witnesseth that it is hereby covenanted and agreed by and between the said parties hereto as follows:—

1. The Corporation shall take the necessary steps and shall use their best endeavours to obtain in the present session of Parliament a Bill to obtain such powers as may be necessary to authorise the construction of a bridge with the necessary approaches thereto from Barrow Island to the Island of Walney being Street Works No. 1 No. 2 and No. 3 mentioned in the Bill herein-after together referred to as "the bridge" in the position on the lines and levels and according to the plans and sections deposited by the Corporation in accordance with the Standing Orders of Parliament or within the limits of deviation authorised by Parliament.

2. If the powers aforesaid are granted the Corporation shall at their own expense construct the bridge within the time limited by the Act authorising the same to the satisfaction of Sir Benjamin Baker or such other engineer as may be agreed on between the parties hereto and in accordance with the said plans and sections or such modifications thereof as may be approved by Sir Benjamin Baker or such other engineer as aforesaid.

3. The Corporation shall at all times hereafter bear the cost of maintaining and repairing the bridge and also of working (including opening and shutting) the bridge.

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4. The capital cost of the bridge shall be ascertained for the purposes of this Agreement and shall comprise the taxed costs of the Corporation of or incidental to or in any way relating to the Bill and the actual amount expended by the Corporation in the construction of the bridge (but not including the tramway over the bridge) and in the purchase of the necessary lands and easements and in compensation for injurious affection including the amount payable to the Furness Railway Company for compensation in respect of their ferry and including all legal costs and engineering expenses and such cost other than the taxed costs of the Bill shall be verified by Sir Benjamin Baker or such other engineer as aforesaid whose certificate shall be conclusive evidence of the completion of the bridge and (subject to the provisions herein-after contained in clause 6 hereof) of the amount expended by the Corporation as aforesaid Any such certificate as aforesaid in respect of any part of the capital cost may be given provisionally and subject to final verification when the bridge is completed and pending such verification such provisional certificate shall be binding as between the Corporation and the Company . An account showing the capital cost verified as aforesaid shall as soon as practicable after such completion as aforesaid be delivered by the Corporation to the Company.

5. On or before the 1st day of May in every year after the passing of this Act so long as any sum borrowed to defray such capital cost and payment as aforesaid or any part thereof remains outstanding the Corporation shall deliver to the Company an account in writing certified by the borough treasurer showing their revenue and expenditure in respect of the bridge during the twelve months ending the 31st day of March then last past and such revenue shall include the receipts for or from tolls and other income arising from the bridge but not any receipts from rates or any income in respect of the tramway over the bridge other than bridge tolls on tramcars and passengers carried thereby and such expenditure shall include all sums paid for interest or sinking fund or for the repayment of principal in respect of all moneys borrowed to defray such capital cost and payment as aforesaid or any part thereof and the cost of maintaining repairing renewing and working the bridge including the premiums for insurance against fire storms gales or accidents of any description whether to the bridge or to persons or property in respect of which the Corporation may be liable.

6. Within thirty days after the delivery by the Corporation to the Company of any account to be submitted hereunder the Company shall deliver to the Corporation notice in writing stating the objections (if any) of the Company to such account and in default of and subject to any such notice such account shall be final and binding The Corporation shall during such 30 days and at all other times during the continuance of this Agreement permit the nominees of the Company to inspect all the books and accounts of the Corporation relating to the bridge and shall furnish such nominees with all such information and facilities as they may require for or in connection with any such inspection and in case of any dispute or difference between the Corporation and the Company respecting any account objected to as aforesaid the same shall be referred to arbitration in manner provided by the last clause hereof.

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7. The amount whereby on any such account as so delivered or settled by arbitration the revenue exceeds the expenditure is herein-after called "the profit" and the amount whereby the expenditure exceeds the revenue is hereinafter called "the deficit."

8. If the deficit in any year does not exceed a sum equal to that which in that year would have been produced by a borough rate of one penny halfpenny in the pound on the assessable value for the time being of the borough for the time being the whole of the deficit shall be borne by the Corporation.

9. If the deficit in any year exceeds such sum as aforesaid the amount of such excess shall (subject as herein-after provided) be borne by the Company and shall be paid by the Company to the Corporation on demand.

10. The amount of the profit in any year shall be applied by the Corporation in the manner and in the order following (that is to say):—

First In repaying to the borough fund any sums which may have been applied thereout to defray deficits in previous years and in repaying to the Company all sums paid by them to the Corporation under the last preceding article of this Agreement which may not have been previously repaid to the Company the payments under this paragraph to be in proportion to the respective amounts of the contributions made by the borough fund and the Company respectively towards the deficits and for the time being repaid:

Secondly In paying to the guarantee fund herein-after mentioned if such should be constituted any sum which may be necessary to bring the same together with the accumulations thereof up to the sum of 20,000*l*.

11. The Company shall at their option either procure from an insurance company approved by the Corporation (such approval not to be unreasonably withheld) a guarantee or other sufficient security or indemnity guaranteeing to the Corporation the proper performance and observance of the provisions of this Agreement by the Company to be performed or observed such guarantee security or indemnity to be made to the satisfaction of the Corporation and to be approved in writing by the town clerk or shall if such guarantee security or indemnity shall not have been procured and approved within one month after the passing of the Bill pay to the Corporation on demand the sum of ten thousand pounds for the purpose of forming a guarantee fund.

12. The sum of ten thousand pounds if so paid as aforesaid together with all other moneys payable to the guarantee fund under this Agreement and the resulting income thereof shall be invested in the joint names of the Corporation and the Company or persons to be nominated by them respectively on mortgage or on other approved securities of the Corporation bearing interest at $3\frac{1}{2}$ per cent. (the Corporation being bound to receive the same at such interest as aforesaid) and shall be accumulated at compound interest until the fund so formed (herein described as the guarantee fund) amounts to the sum of twenty thousand pounds.

13. The guarantee fund shall be held as security for the due payment by the Company of all moneys payable to the Corporation hereunder and if at any time the Company shall make default for three calendar months in the payment of any such moneys the same shall be forthwith paid to the Corporation out of the guarantee fund The Corporation may notwithstanding that such moneys have been so paid recover the same from the Company and shall when they have recovered the same pay to the guarantee fund the amount so recovered.

14. So soon and so long as the guarantee fund amounts to the sum of twenty thousand pounds no further sums shall be payable thereto and the Company and the Corporation shall respectively be entitled to receive the interest thereafter becoming due in respect of so much of the fund as may represent their respective contributions together with the accumulations thereof.

15. After the expiration of a period of 30 years from the passing of the Bill no further sums shall be payable by the Corporation to the guarantee fund and such equal annual sums shall be paid to the Corporation and to the Company respectively out of the guarantee fund as will exhaust the fund by the time when the period for the repayment of moneys borrowed to defray the capital cost of the bridge shall have expired such payments to be in proportion to the respective contributions of the Company and the Corporation respectively to the guarantee fund together with the accumulations thereof.

16. So soon as all sums borrowed to defray the capital cost of the bridge and other payments as aforesaid shall have been repaid (otherwise than by reborrowing) the obligations of the Company and the Corporation under this Agreement shall cease save as to any payment then due.

17. The Corporation shall not without the consent in writing of the Company charge tolls for the use of the bridge so long as the obligations of the Company under this Agreement remain in force less or more than those mentioned in the Second Schedule to the Bill.

18. In the event of the Bill or that part of the Bill which relates to the bridge not passing into law the Company shall pay to the Corporation one-half of the taxed costs and expenses of the Corporation of and incidental or in anywise relating to the promotion of the Bill.

19. This Agreement is subject to such alterations as Parliament may think fit to make therein but if any material alteration be made by Parliament in the Agreement it shall be competent for either party hereto to withdraw from the same save that in that event the provisions of the last preceding article of this Agreement shall remain in full force and effect.

20. If any difference shall arise between the parties hereto or any persons or corporations claiming through or under such parties or between any of such parties persons or corporations touching these presents or anything herein contained or the construction or operation of this Agreement or the rights duties or liabilities of any such party person or corporation in connection with the premises the matter in difference shall be referred to a

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single arbitrator to be appointed by the parties to the difference pursuant and so as in all respects to conform to the provisions in that behalf contained in the Arbitration Act 1889 or any then subsisting statutory modification thereof.

In witness whereof the parties hereto have respectively affixed their common seals the day and year first before written.

The seal of Vickers Sons & Maxim Limited was hereunto affixed in the presence of

Seal.

DOUGLAS VICKERS Director.
JNO. R. HECKLEY Secretary.

The common seal of the mayor aldermen and burgesses of the borough of Barrow-in-Furness was hereunto affixed in the presence of

Seal.

GEO. S. HEATH Mayor.
C. F. PRESTON Town Clerk.

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