CHAPTER cxxxiv.

An Act to enable the Mayor Aldermen and Burgesses of the Borough of Bolton to construct Additional Tramways in and adjacent to the Borough to construct Highway and other Works to borrow Additional Moneys and for other purposes. [15th July 1897.]

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WHEREAS the borough of Bolton in the county of Lancaster is a county borough subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") acting by the council:

And 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 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 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. xcv.

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

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day of December one thousand eight hundred and eighty-eight and the said portions are now being worked by the executor of one of the former lessees of the tramways under a lease for a short term subject to certain conditions prescribed by the Corporation as to the motive power to be used in working the said tramways :

54 Vict. c. xiii.

And whereas by the Bolton Corporation Tramways Act 1891 (in this Act called "the Act of 1891") the Corporation were authorised 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 the Corporation be empowered to construct and maintain additional tramways in and adjacent to the borough :

56 & 57 Vict. c. lv.

And whereas by the Bolton Corporation Tramways Act 1893 (in this Act called "the Act of 1893") it was provided that if the Corporation were unable to demise such of the said tramways as were constructed by them upon such terms as would in the opinion of the Board of Trade yield an adequate rent therefor the Board of Trade might grant the Corporation licence to work the said tramways and that if any of the said local boards should be in like manner unable to demise such of the tramways as were constructed by them and the Corporation should be working any tramways in immediate connexion with the tramways of such local boards the Corporation should if the Board of Trade so directed agree with such local boards to work their tramways and that the Board of Trade should in such case grant a licence to the Corporation to work the same accordingly :

And whereas it is expedient that the restrictions on the working of the tramways by the Corporation should be removed :

And whereas it is expedient that the Corporation be empowered to construct the highway works herein-after described :

And whereas it is expedient that the Corporation be authorised to construct in and under streets in the borough lavatories and other public conveniences with proper accesses thereto :

And whereas it is expedient that the Corporation be authorised to provide a fund for the encouragement of thrift among persons in their employ :

And whereas the Corporation in the year one thousand eight hundred and ninety-four established a voluntary pension fund for the benefit of those members of the fire brigade of the borough who are required to devote the whole of their time to the duties of their office and who are termed and in this Act referred to as "members of the permanent fire brigade" and to which fund (in this Act referred

to as "the fire brigade existing pension fund") those members have contributed eight per centum or thereabouts of their wages and it is expedient that the Corporation be authorised to establish a permanent fire brigade pension fund to which all the members of the permanent fire brigade should contribute and to which the fire brigade existing pension fund should be transferred and that the rate of contribution to the permanent fire brigade pension fund by the contributors to the fire brigade existing pension fund should be as in this Act prescribed:

And whereas an Act (herein-after called "the Bolton Moor Inclosure Act") was passed in the thirty-second year of His late Majesty King George the Third for (amongst other purposes) inclosing dividing and allotting a certain common or waste ground called Bolton Moor and other the commons and waste grounds within the township of Great Bolton which now form part of the parish of Bolton within the borough and by that Act after provision for certain specific allotments including an allotment to the lords of the manor of Bolton for and in respect of their right and interest in the soil of the said commons and waste grounds power was given to commissioners therein named to set out and allot the residue of the common and waste grounds within the said manor in lots and to sell or lease such lots for a term of five thousand years free from the claims of the lords or landowners within the said manor except the mines and minerals thereunder which were to be excepted and reserved to the lords of the said manor but subject to the payment of annual chief rents to certain persons appointed under the said Act to be trustees for the said township of Great Bolton and by the said Act the said commissioners were empowered to sell or lease the said lots free from the claims of the lords or landowners within the said manor (other than the lords rights to mines and minerals) but no provision was or has been made with respect to the fee simple or reversion of the said lots expectant on the determination of the terms of years for which the same should be so demised:

32 Geo. III. c. 71.

And whereas in pursuance of the said Act divers leases or other assurances of the said residue were made by the said commissioners whereby yearly chief rents (subsequently termed "Bolton Moor rents") became payable to the said trustees and those rents by virtue of section 17 of the Borough of Bolton Act 1850 became vested in the Corporation and the Corporation were by section 45 of the Bolton Improvement Act 1854 authorised to sell the same with the consent of the Treasury:

13 & 14 Vict. c. xl. s. 17.
17 & 18 Vict. c. clix. s. 45.

And whereas it is desirable for the purpose of any sale by the Corporation of the said rents or of any interest vested in them in

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respect of the said residue that such fee simple and reversion should be vested in them and that they should be empowered to dispose thereof:

28 & 29 Vict. c. xii.

And whereas under the Bolton Improvement Act 1865 the Corporation were empowered to enlarge the area of a recreation ground on the north-westerly side of Lever Street in the borough and known as the Heywood Recreation Ground and for the purpose of such enlargement certain lands were demised to them for a term of four thousand years at a yearly rent of one hundred and forty-three pounds thirteen shillings and eight pence by Thomas Myerscough and Fletcher Ritson as executors and trustees under the will of William Holden deceased and it was by the lease thereof to the Corporation from those executors and trustees provided that they the Corporation should be entitled to purchase the reversion of the said lands expectant upon the determination of the said term discharged from the said yearly rent for the sum of three thousand one hundred and sixty-one pounds and eight pence after notice in writing to the lessors of the desire of the Corporation to make such purchase but that they the lessors should not be under any obligation to convey such reversion until they had power under the terms of the said will or until the Corporation should have obtained from Parliament powers enabling the lessors to sell and convey such reversion:

And whereas the executors and trustees of the will of the said William Holden are not at the present time empowered under the terms of the said will to sell and assign the said reversion and it is expedient that they should now be empowered to sell and assign the same:

And whereas all rates leviable within the borough (except rates for the relief of the poor within the parish of Bolton) are now made levied and collected by the Corporation and the council of the borough having now vested in them the power of appointing overseers and assistant overseers for the parish of Bolton and such parish being conterminous with the limits of the borough it would tend greatly to the economical and efficient collection of all local rates and charges if such collection were made by one set of officers appointed by the Corporation:

And whereas it is expedient that further borrowing powers be conferred upon the Corporation for the purposes of this Act and for the purposes of their fever hospital fire-engine stations the demolition of insanitary buildings and for the expenditure for sanitary purposes under Article III. of the Bolton Order 1893 herein-after referred to:

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And whereas by the Bolton Improvement Act 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 and the provisions of that Act in relation to such stock have been altered and amended by Provisional Orders of the Local Government Board relating to the borough (respectively confirmed by the Local Government Board's Provisional Orders Confirmation Acts passed in the sessions of 1892 and 1893 and in this Act respectively referred to as "the Order of 1892" and "the Order of 1893"):

45 & 46 Vict. c. ccxliv.

55 & 56 Vict. c. lxviii. 56 & 57 Vict. c. clxxxix.

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

And whereas estimates have been prepared by the Corporation for the purchase of land and the construction of the works authorised by this and by former Acts relating to the borough and such estimates are as follows (namely):—

For tramway works two hundred and ninety thousand pounds;

For highway works twenty-two thousand three hundred and ninety pounds;

For the lavatory works three thousand pounds;

For the extension of the fever hospital six thousand pounds;

For the construction of a new fire-engine station fourteen thousand six hundred pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of November one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Bolton Chronicle 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 third day of February one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections showing the lines situation and levels of the tramways and works by this Act authorised and a book of reference to such plans 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 under the powers of this Act have been deposited with the clerk of the peace for the county palatine of Lancaster and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

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):—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Bolton Tramways and Improvement Act 1897.

Act divided into parts.

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

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Highway works &c.
Part IV.—Lands.
Part V.—Thrift fund.
Part VI.—Fire brigade pension fund.
Part VII.—Finance.
Part VIII.—Rating.
Part IX.—Miscellaneous.

Act to be executed by the council.

3. This Act shall be carried into execution by the Corporation acting by the council.

Incorporation of Acts.

4. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870; and

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except section 84);

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act. A.D. 1897.

Interpretation.

5. In this Act unless the subject or context otherwise require—

"The borough" means the borough of Bolton;

"The Corporation" means the mayor aldermen and burgesses of the borough;

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

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

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

"The district rates" means the district rates by the Bolton Improvement Act 1877 authorised to be levied;

"The district funds" means the district funds created by the Bolton Improvement Act 1877;

"The tramways" means the tramways by this Act authorised and any part thereof;

"The tramway undertaking" means the tramways and tramway undertaking of the Corporation authorised by the Order of 1878 and the Act of 1891;

"Tramway revenue" means all revenue of the tramway undertaking;

"Corporation stock" means Corporation redeemable stock;

"Loans fund" means the loans fund established under the provisions of the Act of 1882;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 and not being a security transferable by delivery;

"Urban district councils" means and includes the urban district councils of Astley Bridge Farnworth Kearsley Turton and Horwich;

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same or otherwise relating to municipal corporations in England;

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"Lavatories" means and includes the lavatories urinals water-closets and sanitary conveniences and the accesses thereto by this Act authorised to be made in or under the streets;

Words to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction:

In the Commissioners Clauses Act 1847 for the purposes of this Act "commissioners" shall mean the Corporation and "clerk to the commissioners" the town clerk:

In this Act and for the purposes of this Act in the Acts incorporated with this Act—

The expression "court of competent jurisdiction" or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Part II.—Tramways.

Power to make tramways.

6. Subject to the provisions of this Act the Corporation may make form lay down use and maintain wholly within the county of Lancaster the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all such rails plates sleepers poles cantilevers channels electric lines street-boxes transformers junctions turntables turnovers crossings passing places stables carriage-houses sheds works and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the authorised tramways of the Corporation and of the tramways outside the borough authorised by the Order of 1878.

The tramways herein-before referred to and authorised by this Act will be of the gauge of four feet eight and a half inches but the Corporation shall not run thereon carriages or trucks adapted for use upon railways.

The following are the tramways (that is to say):—

Tramway No. 1 (about 2 furlongs 3·18 chains in length whereof 2 furlongs is single line and 3·18 chains is double line) wholly in Chorley New Road in the township of Lostock in the parish of Deane commencing by a junction with Tramway No. 5 constructed under the powers of the Order of 1878 at a point

where that road is crossed by the township boundary between the townships of Lostock and Heaton and terminating at the boundary between the townships of Lostock and Horwich by a junction with Tramway No. 2 herein-after described:

Tramway No. 2 (about 2 miles 3 furlongs and 7·95 chains in length whereof 2 miles 1 furlong 2·51 chains is single line and 2 furlongs 5·44 chains is double line) wholly in the township of Horwich in the parish of Deane commencing by a junction with Tramway No. 1 at the said boundary between Lostock and Horwich in Chorley New Road and terminating at the junction therewith of Lee Lane:

Tramway No. 3 (about 1 mile 2 furlongs and 7·9 chains in length a single line) wholly in the township of Horwich aforesaid commencing in Chorley New Road by a junction with Tramway No. 2 opposite the southerly end of Victoria Road and terminating at the westerly end of Lee Lane by a junction with Tramway No. 2 near to the Crown Hotel:

Tramway No. 4 (about 1 mile and 5·41 chains in length whereof 7 furlongs 5·87 chains is single line and 9·54 chains is double line) partly in the parish of Bolton and partly in the townships of Deane and Over Hulton in the said parish of Deane commencing in Deane Road in the parish of Bolton by a junction with Tramway No. 3 authorised by the Act of 1891 at a point 1 chain north-east of the junction of Deane Road with Wigan Road and terminating in the township of Over Hulton by a junction with Tramway No. 5 herein-after described opposite the southerly end of Deane Church Lane:

Tramway No. 5 (about 5 furlongs 5·77 chains in length whereof 4 furlongs 3·05 chains is single line and 1 furlong 2·72 chains is double line) partly in the parish of Bolton partly in the township of Over Hulton aforesaid and partly in the township of Middle Hulton commencing in the said parish of Bolton by a junction with Tramway No. 4 constructed under the powers of the Order of 1878 at the termination of that tramway in Saint Helens Road and terminating in Saint Helens Road at the southerly end of Hulton Lane:

Tramway No. 6 (about 6 furlongs and 7·14 chains in length whereof 6 furlongs 3·96 chains is single line and 3·18 chains is double line) partly in the townships of Deane and Over Hulton aforesaid commencing in the said township of Deane in Wigan Road by a junction with Tramway No. 4 herein-before described at a point 0·77 chains east of the northerly

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end of Deane Church Lane and terminating in Saint Helens Road by a junction with Tramway No. 5 at its termination :

Tramway No. 7 (about 2 miles and 4·50 chains in length whereof 1 mile 4 furlongs 6·34 chains is single line and 3 furlongs 8·16 chains is double line) partly in the parish of Bolton aforesaid partly in the township of Tonge in the parish of Bolton-le-Moors and partly in the township of Turton in the said parish of Bolton-le-Moors commencing by a junction with Tramway No. 2 constructed under the powers of the Order of 1878 in Bradshawgate near the northerly end thereof and terminating at a point in Bradshaw Brow opposite to the "Royal Oak":

Tramway No. 8 (about 1 furlong and 7·59 chains in length a single line) wholly in the parish of Bolton aforesaid commencing by a junction with Tramway No. 7 herein-before described at the junction of Kay Street with Folds Road and terminating by a junction with Tramway No. 2 constructed under the powers of the Order of 1878 at a point 0·63 chains west of the southerly end of Bridge Street:

Tramway No. 9 (about 1 mile 1 furlong and 2·42 chains in length whereof 6 furlongs 6·04 chains is single line and 2 furlongs 6·38 chains is double line) partly in the parish of Bolton aforesaid and partly in the township of Tonge aforesaid commencing in the said parish of Bolton at a point 0·83 chains north of the east end of Trinity Street by a junction with Tramway No. 2 constructed under the powers of the Order of 1878 and terminating in Bury Road at the boundary of Tonge and Breightmet:

Tramway No. 10 (about 1 mile 1 furlong and 0·09 chains in length whereof 6 furlongs 1·47 chains is single line and 2 furlongs 8·62 chains is double line) partly in the parish of Bolton and partly in the township of Great Lever in the parish of Middleton (detached) commencing in the said parish of Bolton in Trinity Street by a junction with Tramway No. 1 constructed under the powers of the Order of 1878 and terminating at the junction of Rishton Lane with Green Lane in the said township of Great Lever:

Provided that the said Tramway No. 4 shall not be laid in Wigan Road until the portion of that road along which the same is proposed to be laid is widened so that when so laid there will not at any part of that road be a less space than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of that tramway.

Period for completion of tramways.

7. If the tramways be not completed within the following periods (that is to say) :—

Tramway No. 4 Tramway No. 6 and Tramway No. 10 within four years from the passing of this Act; and

The other tramways within three years from the passing of this Act;

then on the expiration of those respective periods the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed.

Tramways not to be opened until certified by Board of Trade.

8. No part of the tramways shall be opened for public traffic until the same has been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant-secretary of the said Board to be fit for such traffic.

As to rails of tramways.

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

Further provision as to construction of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs 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.

Power to alter level of rails.

11. The Corporation shall from time to time alter and maintain the level of the rails of any tramway so that they shall correspond with the level of the street wherein such tramway is laid.

Tramways to form part of Corporation tramway undertaking.

12. Subject to the provisions of this Act the tramways shall form part of the tramway undertaking and the Corporation and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and

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for the conveyance thereon of traffic of all kinds as they are by the Order of 1878 authorised to demand and take in respect of the tramway undertaking.

Power to Corporation to work their tramways.

13. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages on and may work and may demand and take tolls in respect of any tramways for the time being belonging to them and with the consent of any of the urban district councils any tramways in the district of such consenting council which may for the time being be connected with any tramway of or worked by the Corporation and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences and may construct and place in under and over any public streets all such works apparatus and appliances as may be requisite or expedient for the convenient working or user of such tramways by animal or mechanical power and whether such working or user be by the Corporation or by any of the urban district councils or by the lessees of the Corporation or of such councils respectively but as regards any streets in the districts of any of the urban district councils not without the consent of the urban district council of the district and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and sections 5 and 8 of the Act of 1893 are hereby repealed.

The provisions for the time being in force with respect to the working of the tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

Prohibiting increased fares on Sundays or bank holidays.

14. It shall not be lawful for the Corporation or company or person using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Defining mechanical power.

15. Mechanical power shall for the purposes of the Order of 1878 the Act of 1891 and the Act of 1893 and this Act include steam electric and every other motive power not being animal power and the word "engine" includes motor.

For protection of Postmaster-General.

16. Section 12 of the Act of 1891 is hereby repealed and in the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in

all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) (A) Before any electric line is laid down or any act or work for working any tramways of the Corporation by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds

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for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

(11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Provisions as to motive power.

17. 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 electric power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

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

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

may by order either direct the Corporation 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 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.

Special provisions as to use of electric power.

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

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working

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their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

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

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

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

Byelaws.

19. 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):—

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

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

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;

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 engine used for drawing or propelling such carriages;

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

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

Incorporating s. 9 of the Act of 1893.

20. Section 9 (For the protection of the electric systems of the Lancashire and Yorkshire and London and North Western Railway Companies) of the Act of 1893 shall extend and apply mutatis mutandis to and in relation to the tramways belonging to or worked by the Corporation if and so long as they are worked by electric power not carried along with the carriages.

Generating stations.

21. The Corporation may use the lands described in the Second Schedule to this Act for the purpose of generating electric energy and may acquire compulsorily or by agreement such of those lands as do not at present belong to them and as are delineated on the deposited plans and described in the deposited book of reference and may thereon erect construct and maintain all such buildings engines dynamos machinery apparatus and appliances as may be necessary or convenient for the generating distributing transforming and supplying electric energy for any purpose for which electric energy is by this Act authorised to be used or supplied.

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Corporation and urban district councils may agree as to construction &c. use and sale of the tramways in the districts of the councils.

22. The Corporation on the one hand and the urban district councils respectively on the other hand may enter into and fulfil contracts and agreements for all or any of the following purposes (that is to say) :—

The construction maintenance working and use of the whole or any of the tramways so far as the same are within the district of such council ;

The purchase and sale of all or any of the plant and appliances used for the purpose of such working and use ;

The lease sale and purchase of all or any of the tramways so far as the same are within the district of such council ;

The interchange accommodation and forwarding of carriages passengers and traffic on to or from any tramways for the time being of the Corporation from or to any tramways of the urban district council ;

The user by the contracting parties or any or either of them of the whole or any part of their respective tramway undertakings :

Such contracts and agreements may be made in consideration of such payments and upon such terms and conditions as may be agreed on between the Corporation and such urban district councils respectively.

Future purchase by local authority of tramways outside borough.

23. Unless the Corporation and the local authority otherwise agree the provisions of section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 shall extend and apply to and in relation to so much of the tramways by this Act authorised as will be situate in the district of any local authority other than the Corporation and the urban district councils of Horwich and Turton and in construing that section for the purposes of this Act the respective periods of seven years and three years shall be substituted for the respective periods of twenty-one years and seven years where mentioned in that section.

Application of money from sales.

24. The Corporation shall apply the proceeds of any sale under this Part of this Act in the same manner as they are required to apply money received from the sale of any surplus lands under this Act.

For protection of Lancashire County Council.

25. Except under and subject to such conditions as may reasonably be required by the county council of the county palatine of Lancaster no main road shall be interfered with under the powers of this Act nor shall any rails posts apparatus or thing be laid or placed on over or under any such main road.

If any difference should arise between the Corporation and the said county council touching this section such difference shall be

settled by an engineer to be agreed on between the parties or in default of agreement to be appointed on the application of either of them by the Board of Trade.

Provisions for protection of Joseph Walker trading as E. Holden and Co.

26. Nothing in this Act or in any contract or agreement entered into in pursuance of the provisions of this Act between the Corporation on the one hand and the urban district councils respectively on the other hand shall take away prejudice diminish alter or affect any powers rights privileges or authorities exercised or enjoyed by Joseph Walker trading as E. Holden & Co. or which he may be empowered to exercise or enjoy under the leases and agreements herein-after mentioned for the working of tramways of the Corporation and of the urban district councils of Astley Bridge Farnworth and Kearsley respectively (that is to say):—

A lease dated the thirtieth day of December one thousand eight hundred and ninety-three made between the Corporation of the one part and the said Joseph Walker of the other part;

An agreement dated the eighth day of January one thousand eight hundred and ninety made between the Astley Bridge Local Board of the one part and the said Joseph Walker of the other part;

An agreement dated the third day of January one thousand eight hundred and eighty-one made between the Farnworth Local Board of the one part and the said Joseph Walker of the other part; and

An agreement dated the ninth day of December one thousand eight hundred and eighty made between the Kearsley Local Board of the one part and the said Joseph Walker of the other part;

but all such rights powers privileges and authorities shall during the continuance of the said lease and agreements respectively continue and remain in full force and effect and may be exercised and enjoyed by the said Joseph Walker as if this Act had not been passed.

For protection of William Wilbraham Blethyn Hulton.

27. For the protection of William Wilbraham Blethyn Hulton of Hulton Park in the county of Lancaster or other the owner or owners for the time being of Hulton Park aforesaid all of whom are included in the expression "the owner" when used in this section the following provisions shall unless otherwise agreed in writing between the owner and the Corporation have effect (that is to say):—

(1) Notwithstanding anything shown on the deposited plans and sections the powers in this Act contained for the construction of so much of Tramway No. 4 as is proposed to be laid in

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Deane Church Lane shall not be exercised until the railway bridge in that lane has been lowered and widened :

(2) Notwithstanding anything shown on the deposited plans the passing place on Tramway No. 5 in Saint Helens Road near to the junction with Tramway No. 6 shall be constructed in the situation shown in red on the plan marked B signed in duplicate by the owner and by Robert Gudgeon Hinnell and the said Tramway No. 5 shall be constructed and maintained so that there shall be on one and the same side of the road throughout its whole length between the outside of the footpath on that side of the road and the nearest rail of the tramway a clear space of carriageway of not less than fourteen feet on the left side of the roadway when proceeding from west to east and on the other side between the outside of the footpath on that side of the road and the nearest rail of the tramway a clear space of carriageway of not less than nine feet six inches :

(3) Notwithstanding anything shown on the deposited plans before constructing any portion of the proposed Tramway No. 6 in Hulton Lane the Corporation shall at their own cost widen Hulton Lane throughout its whole length to an uniform width of forty-eight feet Thirty feet shall be carriageway and nine feet on each side thereof footway :

(4) The owner shall when the Corporation have obtained the requisite powers for widening Hulton Lane as aforesaid convey to them the fee simple in possession free from incumbrances (except mines and minerals thereunder) of and in the lands belonging to him in the township of Over Hulton and Rumworth which may be required for such widening :

(5) The said Tramway No. 6 shall be constructed along the said lane when so widened as aforesaid in the manner shown upon the plan marked C signed by the owner and by Robert Gudgeon Hinnell and so that there shall be on one and the same side of the road throughout the widened length of the said lane between the outside of the footpath on that side of the road and the nearest rail of the tramway a clear space of carriageway of not less than fourteen feet on the left side of the roadway when proceeding from south to north and on the other side between the outside of the footpath on that side of the road and the nearest rail of the tramway a clear space of carriageway of not less than nine feet six inches :

(6) The Corporation shall when such widening as aforesaid has been effected erect along those sides of the owner's estate adjoining Hulton Lane which will form the new boundary to

such lane and throughout the whole length of such sides a quick-set thorn fence and they shall provide and fix on both sides of such fence proper and sufficient posts and rails for protection against cattle:

(7) When such widening as aforesaid has been effected the said road and footpaths shall respectively be constructed formed metalled channelled and kerbed and shall be properly repaired and maintained by and at the cost of the Corporation in all respects:

(8) The bridge marked A on the said plan marked C shall be widened before any portion of Tramway No. 6 shall be laid in Hulton Lane:

(9) The said Tramway No. 5 shall be completed by the Corporation and connected with their existing system and shall be opened for traffic within three years from the passing of this Act:

(10) Immediately upon the respective completions of Tramways Nos. 5 and 6 the Corporation shall run over the whole of the said Tramways Nos. 5 and 6 in connexion with their present system not less than one car per hour continuously from and between eight a.m. and nine p.m. on every working day and the first and last car each day shall start from Bolton at the respective hours above named:

(11) The owner shall have and retain the power which he now has under the Bolton and Kenyon Railway Act 1825 to lay and construct level crossings at any point or points along the proposed line of tramways where he thinks fit:

(12) No buildings poles or erections or brackets affixed to any wall or premises of any kind shall be erected and placed along Hulton Lane other than the poles required for the tramways and the rails and way of the tramway:

(13) Excepting as herein expressly provided the owner and his tenants and successors in title shall for ever hereafter have all the statutory and other rights including the right to apply to the Board of Trade and other public authorities as fully as if this section had not been enacted:

(14) Nothing herein contained shall preclude or be deemed to preclude the owner from opposing any application by the Corporation for any extension of time for the completion of the tramways or for abandoning any portion of the same:

(15) Any dispute or difference which may arise between the Corporation and the owner with reference to the provisions of this section or in any way arising thereout or as to any works

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to be carried out in pursuance thereof shall be referred to and determined by arbitration according to the provisions of the Arbitration Act 1889.

For protection of Lancashire and Yorkshire Railway Company in respect of tramways.

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

(1) The Corporation shall not without the consent in writing of the company commence the construction of that part of Tramway No. 10 by this Act authorised which extends along Station Street for a distance of seventy-five yards from the commencement of the said tramway in Trinity Street until the expiration of twelve months from the passing of this Act:

(2) If before the expiration of twelve months after the passing of this Act the company shall have acquired and thrown into Station Street the land on the west side of that street necessary for carrying out the diversion of Station Street authorised by section 15 of the Lancashire and Yorkshire Railway Act 1895 then notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall construct the before-mentioned portion of Tramway No. 10 in the line and situation shown in red on the plan marked A signed in duplicate by William Henry Brockbank on behalf of the Corporation and by William Barton Worthington on behalf of the Company:

(3) Notwithstanding anything contained in this Act or shown on the deposited plans the passing place on Tramway No. 10 at or near the junction of Station Street Bridgman Street Crook Street and Moncrieffe Street shall be constructed in the situation shown in red on the said plan signed as aforesaid:

(4) Where any tramway by this Act authorised is laid along a road which is carried by means of a bridge over any railway or canal of the company or crosses under any railway bridge of the company the Corporation shall so construct and maintain the same as not to alter or interfere with the structure of any such bridge or of the approaches thereto unless such alteration or interference be absolutely necessary for the construction of such tramway:

(5) In the event of any such alteration or interference the Corporation shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the company detailed drawings and specifications showing the proposed work as affecting such bridge and if any difference

arise between the Corporation and the company as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Corporation shall so construct and maintain the tramway as not to injuriously affect the stability of such bridge and the approaches thereto:

(6) In the event of any injury being caused to any such bridge or the approaches thereto by the construction laying maintenance repairing user or removal of the tramways the company may at the expense of the Corporation after giving two clear days notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Corporation) so much of the road over such bridge and approaches as the Corporation are liable to maintain under section 28 of the Tramways Act 1870 and the company may recover from the Corporation all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable:

(7) All works which may be necessary in constructing laying and maintaining the tramways over or under any such bridge shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Corporation:

(8) In case it shall become necessary in consequence of the existence or user of the tramways to strengthen the fabric of any such bridge the company may execute such works as their engineer may deem necessary but in all things at the expense of the Corporation and the company may recover from the Corporation all moneys expended by them in the execution of such works as aforesaid together with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable:

(9) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the company shall give the Corporation three clear days notice in writing

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requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay :

(10) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway or canal or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the company :

(11) In constructing and maintaining any pipes and excavations under the tramways authorised by this Act in order to lay use or maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such wire ropes cables or apparatus in any place where such tramways cross any bridge carrying any road over a railway or canal of the company the following provisions shall be in force and have effect and be binding upon the Corporation and their assigns :—

(A) The Corporation shall not (except with the consent in writing of the company) in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations ropes cables and apparatus over such bridge and the approaches thereto as not injuriously to affect the same ;

(B) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations ropes cables and apparatus the company may at the expense of the Corporation restore such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over or under such bridge and approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the company may recover from the Corporation all such sums costs and expenses with full costs

and charges by all and the same means as any simple contract debt of like amount is recoverable;

(c) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations ropes cables or apparatus over any bridge works or other property of the company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Corporation:

(12) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or canal or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over or under such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto:

(13) All differences that may arise between the Corporation and the company or either of them touching anything to be done or omitted to be done or not to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall apply to all differences arising between the Corporation and the company touching all matters and things done or omitted to be done or not to be done by either the Corporation or the company or either of them under the provisions of this section.

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For protection of London and North Western Railway Company.

29. In constructing and maintaining the tramways numbers 4 5 and 6 by this Act authorised where any of such tramways crosses any railway tunnel or bridge carrying any road over any railway of the London and North Western Railway Company (herein-after referred to as "the railway company") the following provisions shall be in force and have effect:—

(1) In the construction of Tramway No. 5 across the railway of the railway company now laid upon the level of Saint Helens Road the same shall be constructed and maintained in accordance with a plan to be agreed upon by the principal engineers of the railway company and of the Corporation and under the superintendence and to the reasonable satisfaction of such engineer of the railway company at the cost of the Corporation unless after seven days notice in writing by the Corporation of their intention to commence such works given to the railway company such superintendence is refused or withheld and the said tramway at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of such principal engineer of the railway company and by and at the cost of the Corporation except as to repairs rendered necessary by any act or negligence of the railway company:

(2) The carriages used on the said Tramway No. 5 shall not be stopped on or otherwise allowed to interfere with or obstruct the traffic of the railway company on the said level crossing and the traffic of the railway company shall at all times have precedence of the traffic on the tramway which traffic shall be subject to such rules and regulations relating thereto as subject to the provisions of this Act may from time to time be agreed upon between the Corporation and the railway company or as failing agreement shall be settled by arbitration as herein-after provided Provided always that no such rule or regulation shall interfere with the existing rights of the Corporation or the railway company in or over the said street:

(3) The Corporation shall not without the consent in writing of the railway company in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct and maintain such tramway over such tunnel or bridge and the approaches thereto as not injuriously to affect the same:

(4) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance repairing user or the removal of such tramway the railway company may at the expense of the Corporation restore such tunnel bridge and approaches or the part or parts thereof which may be

injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the railway company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such tunnel bridge and approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the railway company may recover from the Corporation all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt may be recovered:

(5) Whenever and so often as the railway company shall require to widen lengthen strengthen re-construct alter or repair any such tunnel bridge or approaches and to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches shall be wholly or partially stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer if such engineer gives such superintendence but only for so long as the railway company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto:

(6) And in case the principal engineer of the railway company shall be of opinion that any such widening lengthening strengthening reconstructing altering repairing lifting or supporting is desirable or necessary owing to the carriages or vehicles on such tramways being or being intended to be moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Corporation who shall also pay to the railway company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations

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repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amounts of such expenditure to be recoverable as aforesaid by the railway company from the Corporation with full costs and charges by all and the same means as any simple contract debt may be recovered :

(7) All works which may be necessary in constructing and maintaining the tramways over any bridge works or property of the railway company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the railway company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the railway company or the Corporation.

For further protection of London and North Western Railway Company.

30. In making and maintaining any wires tubes pipes mains cables ropes apparatus and appliances under the surface of any street road or place where the same passes over any railway tunnel or bridge carrying any road or place over the railway of the London and North Western Railway Company (herein-after called "the North Western Company") for the purpose of working any tramway by mechanical power the following provisions shall be in force and have effect and be binding upon the Corporation :—

(A) The Corporation shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such wires tubes pipes mains cables and apparatus over such tunnel or bridge and the approaches thereto or under such bridge as the case may be as not injuriously to affect the same :

(B) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such wires tubes pipes mains cables and apparatus the North Western Company may at the expense of the Corporation restore such tunnel bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the North Western Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such tunnel bridge and approaches as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 and the North Western Company may recover from the Corporation all such sums costs and

expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable:

(c) All works which may be necessary in constructing laying and maintaining any of the said wires tubes pipes mains cables or apparatus over or under any railway tunnel bridge works or under property of the North Western Company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the North Western Company or the Corporation:

(d) Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the North Western Company otherwise than is by this Act expressly provided.

For protection of Bolton Rural District Council.

31. For the protection of the rural district council of Bolton (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the council and the Corporation apply and have effect:—

(1) The Corporation shall pay to the council the sum of ten shillings for each time a sewer or sewer connexion is laid by the council under along or across any tramway of the Corporation and for every connexion which the council may make with any sewer under the tramways or under any portion of any road which the Corporation are by this Act or the Tramways Act 1870 bound to repair:

(2) The Corporation shall pay to the council one half of the extra cost of the labour incurred by the council from time to time in repairing any sewer which may be situate under the tramways or under the portion of any road which the Corporation are by this Act or the Tramways Act 1870 bound to repair:

(3) Subject to the provision in this Act contained for the protection of the county council of the county palatine of Lancaster the Corporation shall not without the previous consent in writing of the council construct or place any work apparatus appliance or thing in on or under any street or road within the district of the council at a greater depth than three feet below the surface of the rails of the tramways but such consent shall not be unreasonably withheld:

(4) Any junctions turntables turnover crossings or other like works made formed or laid down in any street or road in the district of the council (herein-after referred to as "the

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district") shall be so made formed or laid down in such position only as shall be approved by the council and all poles cantilevers and overhead electric wires placed or set up in the district shall be placed in such positions and shall be of such height as the council shall approve and the following provisions shall apply thereto :—

(A) Every pole shall be of such pattern material and strength and shall be securely fixed in such manner as the council shall reasonably approve ;

(B) Every pole shall be painted at least once in every two years with good oil paint of a colour or colours to be approved by the council ;

(C) No pole shall be used for the display of advertisements ;

(D) If any pole or overhead wire after it has been erected shall in the opinion of the council be or become an obstruction the Corporation shall alter the position thereof in such manner as the council shall reasonably approve ;

(E) The Corporation shall in executing any work take such precautions and do such acts as the council may reasonably require for preventing injury to or interference with any sewer pipe lamp-post or other property belonging to the council ;

(F) If the Corporation shall permanently discontinue the use of any poles or overhead electric wires placed or maintained in or over any street or road within the district for supplying electrical motive power to the carriages used upon the tramways or if the right of the Corporation to use electrical motive power supplied by means of any such poles or wires shall cease and determine the Corporation shall forthwith at their own cost remove such poles and wires and shall restore and make good such streets and roads to the satisfaction of the council and in case of default the council may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Corporation :

(5) If at any time any sewer or drain vested in or belonging to the council shall be or become injured or damaged by reason or in consequence of any act works or operations of the Corporation or of their contractors or servants the council may immediately thereupon or at any time thereafter at the cost of the Corporation do and execute such acts and works as the council may deem necessary in order to effect the re-instate-

ment of such sewer or drain to as good a condition as it was in prior to such damage or injury :

(6) The Corporation shall permit the council at all reasonable times between the hours of 12 midnight and 6 A.M. and in such manner as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways to use the tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and the other materials required for the works of the council free of all tolls and charges in respect of such use Provided that the council shall indemnify the Corporation against and make good all damage or injury which may be done to the tramways or be caused by or in consequence of any such user :

(7) All moneys payable by the Corporation to the council under the provisions of this Act shall be payable on demand and (save as otherwise provided) in default thereof may be recovered by the council from the Corporation as a simple contract debt :

(8) The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and all penalties for the breach of any provisions of this section shall be paid to the council :

(9) The special provisions in this Act contained for the protection of the council shall not be deemed to supersede or dispense with the provisions of the Tramways Act 1870 but those provisions respectively (except in so far as they may be varied by or be inconsistent with any of the special provisions of this Act) shall be and remain in full force and effect :

(10) If any dispute or difference under this section or for the settlement of which no special provision is made by this Act shall arise between the council and the Corporation respecting any act matter or thing to be done or not to be done or as to which the approval of the council is necessary or as to any money other than a penalty to be paid under or in pursuance of this Act such dispute or difference shall be settled in the manner prescribed by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned :

(11) Notwithstanding anything in this Act contained it shall not be lawful for the Corporation to lay down any portion of Tramway No. 4 on the railway bridge which carries Deane Church Lane over the London and North Western Railway until such bridge and the roadway thereover have been widened and lowered to the reasonable satisfaction of the council.

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For protection of urban district council of Horwich.

32. In construing section 43 of the Tramways Act 1870 with reference to the purchase by the urban district council of Horwich of the tramways to be constructed in the urban district of Horwich the period of fourteen years shall be substituted for the period of twenty-one years and the subsequent periods of seven years in the said section mentioned shall be calculated from the expiration of the said period of fourteen years.

For protection of urban district council of Turton.

33. In construing section 43 of the Tramways Act 1870 with reference to the purchase by the urban district council of Turton of the tramways to be constructed in the urban district of Turton the period of fourteen years shall be substituted for the period of twenty-one years and the subsequent periods of seven years in the said section mentioned shall be calculated from the expiration of the said period of fourteen years.

PART III.—HIGHWAY WORKS &C.

Power to make street works.

34. Subject to the provisions of this Part of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following highway works and road (that is to say) :—

A new street commencing in Central Street at a point about thirty-one yards north of the northernmost rail of the tramways in Deansgate opposite Central Street and terminating by a junction with King Street at a point about thirty-two yards north of the said northernmost rail of tramway in Deansgate opposite King Street:

A widening and improving of Deansgate on the north side thereof commencing at the westerly side of Central Street and terminating at the easterly side of King Street:

A widening and improving of Deane Road and Wigan Road aforesaid on the south side thereof such widening commencing at the boundary of the borough at Blackshawe Lane and extending in a south-westerly direction for a distance of three furlongs and eleven yards:

A new road in the township of Outwood commencing at the east end of the bridge over the Manchester Bolton and Bury Canal known as Kilcoby Bridge and terminating at the south-western end of the bridge carrying the Clifton and Colne line of the Lancashire and Yorkshire Railway over the road leading to the Outwood Bleach Works and when and so soon as the said new

road has been completed to the satisfaction of two justices and opened for use the Corporation may stop up so much of the road through Rhodes Farm leading from the towing-path of the Manchester Bolton and Bury Canal to Molyneux Brow as lies between the said towing-path and the said point of termination of the said new road and also over so much of the road leading out of the said road through Rhodes Farm (at a point about twenty-five yards east of Rhodes farmhouse) to Snape Hill as lies between its said commencement and a point about fifty yards south of the bridge carrying the said railway over that road and all rights of way over the said portions of road so stopped up shall be thereupon extinguished: A.D. 1897.

All necessary approaches bridges retaining walls piers abutments embankments arches goits sewers drains culverts conveniences and works in connexion with the foregoing highway works and road or any of them.

For protection of Lancashire and Yorkshire Railway Company in respect of new road.

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

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the portion of the said new road which is shown on the plan and section marked B signed in duplicate by Henry Leonard Hinnell on behalf of the Corporation and by William Barton Worthington on behalf of the company shall be constructed by the Corporation only in accordance with such last-mentioned plan and section:

(2) In constructing the said new road where the same is to be made on or over any lands or bridge belonging to the company or so as to affect the works or property of the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans to be previously submitted to and reasonably approved by him before any such works are commenced and all such works shall be executed by and in all respects at the expense of the Corporation and so as not to cause any injury to the railway canal or works of the company or the traffic over such railway or canal Provided that if the engineer of the company shall fail to approve or disapprove such plans within one month from the submission thereof such plans shall be deemed to have been approved by him:

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(3) Nothing in this Act contained shall confer upon the Corporation or the public or any section of the public or any person any greater or other rights over or in respect of the bridges over the Manchester Bolton and Bury Canal known as Kilcoby Bridge and Rhodes Bridge and the towing-paths along or adjoining the said canal than existed immediately prior to the passing of this Act or affect prejudice or take away from the rights of the company in and over the said canal bridges and towing-paths.

Limits of lateral and vertical deviation.

36. Subject to the provisions of this Part of this Act the Corporation in the construction of the highway works and road may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Power to make subsidiary works.

37. Subject to the provisions of this Part of this Act and within the limits defined on the deposited plans the Corporation in connexion with the highway works and road or any of them and for the purposes thereof may make junctions and communications with any existing highway which may be intersected or interfered with by or be contiguous to the said works or any of them and may make diversions widenings or alterations of lines or levels of any existing highways for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or any of them or otherwise Provided always that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by the exercise of the powers of this section full compensation for all damage sustained by them or any of them.

Power to alter pipes &c.

38. In executing the works by this Part of this Act authorised the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of any such work and also (subject nevertheless to the provisions of the Telegraph Act 1878) any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment Provided that

nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act shall apply.

Extension of certain powers of Act of 1877 to street works &c.

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

Section 40 (Temporary stoppage of streets) ;

Section 44 (Streets disused vested in Corporation) ;

shall extend and apply mutatis mutandis to and in relation to the highway works by this Act authorised Provided that the provisions of those sections shall not except as regards any building used or occupied exclusively as a dwelling-house extend or apply to any building belonging to or occupied by a railway or canal company and used or intended to be used for the purposes of their business as a railway or canal company.

Part IV.—Lands.

Corporation may take lands referenced.

40. Subject to the provisions of this Act the Corporation may enter upon and take and use compulsorily or by agreement all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works by this Act authorised.

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

41. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the land in question may apply to two justices (not being members of the council) for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from a mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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

For protection of William Taylor.

42. If the Corporation give notice to treat for the whole or any part of either of the properties numbered respectively on the deposited plans 13 and 14 in the parish of Bolton the jury arbitrators or other authority to whom the question of disputed compensation shall be referred (in this section referred to as "the tribunal") shall determine separately the amount of compensation to be paid in respect of the whole of the said respective properties and in respect of so much of the said respective properties as the Corporation shall by notice in writing given with the said notice to treat state that they actually require and the said William Taylor or other the owner for the time being of the said respective properties shall by notice in writing sent to the Corporation within thirty days after the giving of the verdict or the making of the award by the tribunal require the Corporation to purchase at the price fixed in that behalf by the verdict or the award either the whole of the said respective properties or the part only which the Corporation so state that they require and thereupon the Corporation shall purchase the whole or part only of the said respective properties as the case may be in accordance with such requirement.

The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated herewith which may enure for the protection or benefit of the said William Taylor or other the owner for the time being of the said respective properties.

For protection of Hannah Kershaw.

43. If the Corporation give notice to treat for the interest of Hannah Kershaw her executors administrators and assigns in the whole or any part of the property numbered on the deposited plans 14 in the parish of Bolton the jury arbitrators or other authority to whom the question of disputed compensation shall be referred (in this section referred to as "the tribunal") shall determine separately the amount of compensation to be paid in respect of the whole of the said property and in respect of so much of the said property as the Corporation shall by notice in writing given with the said notice to treat state that they actually require and the said Hannah Kershaw her executors administrators or assigns shall by notice in writing sent to the Corporation within thirty days after the giving of the verdict or the making of the award by the tribunal require the Corporation to purchase at the

price fixed in that behalf by the verdict or the award either the whole of the said property or the part only that the Corporation so state they require and thereupon the Corporation shall purchase the whole or part only of the property as the case may be in accordance with such requirement.

The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated herewith which may enure for the protection or benefit of the said Hannah Kershaw her executors administrators or assigns.

Restrictions on displacing persons of labouring class.

44.—(1) 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 or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

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(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inpector.

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

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

45. And whereas in the construction of the works by this Act authorised or otherwise in exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the Corporation and that such portion or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the

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question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other question of dispute required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder by the Corporation to sell and convey a part only of any property.

Corporation empowered or may be required to underpin or otherwise strengthen houses near works &c.

46. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Every such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the office of the town clerk:

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and

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the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The cost of the reference shall be in the discretion of the referee :

(6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Limitation of time for compulsory purchase of lands.

47. The powers 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.

Power to take easements &c. by agreement.

48. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting

any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to acquire additional lands by agreement.

49.—(1) The Corporation may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole five acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands.

(2) The consideration for any such acquisition may be either money or land or a mixed consideration of money and land.

Power to retain sell &c. lands.

50. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale &c. of surplus lands.

51. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act and any money received by the Corporation on any exchange of such lands shall be applied only to purposes to which capital moneys are applicable.

Corporation may convey fee of lands out of which Bolton Moor rents issue.

52. The Corporation in respect of the lands forming that portion of the commons and waste grounds within the manor of Bolton which by section twelve of the Bolton Moor Inclosure Act was required to be allotted and sold or demised for a term of five thousand years shall be deemed as from the passing of the Borough of Bolton Act 1850 to have had the fee simple thereof vested in them subject to such leases and conveyances as had then been made of the said lands and the Corporation may convey that fee

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simple upon any sale by them of any such lands or any interest therein under the powers of any of their former Acts but without prejudice to the rights of the lords of the manor of Bolton in respect of mines and minerals under the said lands.

Power to Holden's trustees to sell rent of recreation ground.

53. The trustees of the will of William Holden late of Bolton in the county of Lancaster warehouseman who died on the twenty-sixth day of January one thousand eight hundred and fifty-seven and whose will was proved on the twenty-second day of July one thousand eight hundred and fifty-seven in the Ecclesiastical Court of the Bishop of Chester shall notwithstanding the trusts of the said will be and they are hereby empowered to sell convey and assign to the Corporation for the sum of three thousand one hundred and sixty-one pounds and eight pence the reversion vested in them the trustees of and in the plot of land situate on the north-westerly side of Lever Street forming part of the Heywood Recreation Ground which the Corporation now hold under lease from them the trustees discharged from the yearly rent reserved by such lease.

As to consent of Local Government Board to sale &c. of lands.

54. Nothing in this Part of this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition of any lands of the Corporation in any case in which the consent of that Board would have been required if this Act had not been passed.

Part V.—Thrift Fund.

Thrift fund.

55. The Corporation may establish in manner herein-after provided a fund for the encouragement of thrift and with a view of providing a sum of money which in the event of retirement discharge or death of any person in the service of the Corporation who has contributed to the fund shall be available for himself or his representatives such fund to be called "the thrift fund."

The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of the thrift fund and may determine in and by any such scheme the following matters and things or any of them (that is to say):—

(A) What classes of persons shall be entitled to contribute to and participate in the benefit of the thrift fund and to what extent such contribution shall be payable by persons entering or who shall have entered the service of the Corporation after the passing of this Act and also upon what terms and conditions persons in the service of the Corporation at the passing of this

Act shall on their own application be admitted to the benefit of the thrift fund:

(B) The division of the persons contributing to and to be benefited by the thrift fund into two or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from the one class to the other Provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made:

(C) What (if anything) shall disqualify any person in the employ of the Corporation from becoming a contributor to the thrift fund and participating in the benefits thereof:

(D) Under what circumstances any person having been a contributor to the thrift fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof:

(E) What proportion (if any) of his own contributions to the thrift fund and of the interest which shall have accrued thereon under the scheme any person having been but ceasing to be a contributor thereto shall be entitled to receive:

(F) What proportion (if any) of the additions made by the Corporation to the thrift fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on resignation or retirement:

(G) The per-centage or proportion not exceeding without the consent of the Secretary of State two pounds ten shillings per centum of their salaries or wages which shall be payable to the thrift fund by the contributors:

(H) The age at which or other circumstances in which a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contribution with interest under the next succeeding section of this Act) at a less age than sixty:

(I) The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity instead of such gross sum calculated at such rate of interest as may be defined by the scheme:

(J) The rate not exceeding three pounds ten shillings per centum at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the thrift fund by the contributors and by the Corporation respectively:

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(k) The future management and direction of the thrift fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if so what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the thrift fund or form a separate consultative committee to be elected by the contributors of the thrift fund and to define the functions and mode of election of such consultative committee:

(l) The securities upon which the moneys received on account of the thrift fund shall from time to time be invested Provided that such investment shall not be made in any mortgage bond debenture debenture stock Corporation stock annuity rent-charge rent or other security of the Corporation or in securities transferable by delivery:

(m) And generally all such other matters and things in relation to the thrift fund as the Corporation shall deem fit and proper to form part of and to be included in such scheme.

As to rights under scheme in certain cases.

56. Any scheme under this Part of this Act shall contain the following provisions:—

(1) Any contributing member retiring bonâ fide from the service of the Corporation of his own accord before attaining the age prescribed by the scheme (and not to escape dismissal for fraud dishonesty or misconduct involving pecuniary loss to the Corporation) shall be entitled to receive back the whole amount of his own contributions with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund:

(2) The representatives of any contributing member who not having been guilty of fraud dishonesty or misconduct involving pecuniary loss to the Corporation shall die before he becomes entitled to any benefit under the scheme or (having become so entitled) before he shall have received back a sum equal to his whole contributions and the interest accrued thereon on resignation or retirement shall be entitled to receive back the whole or (as the case may require) such part of the contributions of such member as he shall not have so received back with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund except as may be provided by the scheme:

(3) Any contributing member dismissed from the service of the Corporation for fraud or dishonesty or for misconduct involving pecuniary loss to the Corporation or retiring to escape dismissal for any of those causes shall at the discretion of the Corporation forfeit all or any part of his contributions and the interest thereon and lose all benefits from the thrift fund except such return (if any) as may at such discretion be made to him out of his own contributions and the interest thereon :

(4) Any contributing member who shall become entitled to superannuation or shall be required to retire in consequence of any reduction of the number of persons in the service of the Corporation shall be entitled to payment as follows If by way of gross sum the total amount of the contributions made by him to the fund and of the equivalent contributions made by the Corporation with interest thereon and if by way of an annuity such an amount as shall be determined by actuarial calculation to be of equal value to such gross sum as aforesaid.

Copies of scheme to be supplied.

57. The Corporation shall supply a copy of any scheme in force under this Part of this Act at a price not exceeding sixpence to any person in the employ of the Corporation interested in the thrift fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the thrift fund a copy of the last annual balance sheet of the same for the time being.

Corporation to contribute to fund.

58.—(1) The Corporation shall at the end of each and every half-year after the establishment of the thrift fund contribute thereto out of the rate or revenue upon which the salary or wages of each contributing member is or are respectively chargeable a sum equal to one third of the sum which during the half year has been contributed thereto by such contributing member.

(2) In the event of the moneys standing to the credit of the thrift fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation out of the borough fund and borough rate.

(3) The Corporation may also pay out of the borough fund and borough rate any salaries costs and expenses of the management and administration of the thrift fund and of and incidental to investments.

Scheme to be submitted to actuary.

59. Prior to the scheme coming into operation it shall be submitted by the Corporation to an actuary being a Fellow either

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of the Institute of Actuaries of Great Britain and Ireland or of the Faculty of Actuaries in Scotland to be appointed by the council with the approval of a Secretary of State who shall consider such scheme and shall report thereon as to its solvency or otherwise In the event of such actuary reporting that in his opinion the scheme as a whole is a solvent one without recourse to the guarantee of the Corporation the scheme may come into operation but not otherwise.

Once in every five years after the commencement of the scheme it shall be submitted to an actuary to be appointed as aforesaid for revision (if necessary) and in the event of such actuary recommending any modifications alterations or amendments therein such modifications alterations or amendments shall if approved by a Secretary of State be forthwith adopted by the Corporation If upon such actuary's recommendations the Corporation are satisfied that any addition (specified by him) may be made to all annuities payable within the following period of five years without risk that a deficiency in the funds may at any future time be thereby caused they may direct such addition to be made in all annuities for such period.

There shall be paid to such actuaries such reasonable remuneration as may be agreed or as may be fixed by a Secretary of State.

Contracts with assurance company.

60. It shall be lawful for the Corporation from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance for the undertaking by such company of the liabilities of the Corporation under any scheme or schemes made under this Part of this Act or any of them.

Certain provisions of Provident Nominations and Small Intestacies Act 1883 made applicable.

61. The provisions of sections 7 to 10 of the Provident Nominations and Small Intestacies Act 1883 shall (so far as applicable) extend and apply to the thrift fund and to the contributors thereto and to the Corporation as if the thrift fund were the funds of a registered trade union and the contributors to the thrift fund were members of a registered trade union and the Corporation were directors within the meaning of that Act.

Corporation not to regard trusts or assignments.

62. The Corporation shall not be bound to recognise or see to the execution of any assignment or of any trust (whether express implied or constructive) relating to any contributions of any contributing member to the thrift fund or the interest thereon or additions thereto but the receipt of the contributing member for the same or (if he is dead) of his legal personal representatives or the person or persons to whom the same may be paid under the

authority of this Act shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any assignment thereof or any trust to which the same may be subject and whether or not the Corporation have had notice (express implied or constructive) of any such assignment or trust or of any charge or incumbrance upon any such contributions or the interest thereon or additions thereto or any part thereof respectively and the Corporation shall not be bound to see to the application of any money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof. A.D. 1897.

Part VI.—Fire Brigade Pension Fund.

Application of provisions of Police Act 1890 as amended by the Police Act 1893 to fire brigade.

63. The following provisions of the Police Act 1890 namely those contained in—

Sections 1 and 2;

Subsections (1) (2) (3) (6) and (7) of section 3 the year 1898 being substituted for the year 1891 in the said subsection (3);

Subsections (1) (2) (3) and (5) of section 4;

Sections 5 to 14;

Subsection (1) of section 15;

Section 16 except paragraphs (b) (c) (h) and (k);

Section 18;

Subsection (1) of section 19;

Sections 20 and 21;

Subsection (3) of section 33; and

The First Schedule;

as amended by the Police Act 1893 shall apply to the permanent fire brigade with the following modifications:—

(1) A member of the permanent fire brigade shall be substituted for a constable;

(2) Service in the permanent fire brigade shall be substituted for service in the police;

(3) The permanent fire brigade shall be substituted for the police force;

(4) The Corporation shall be substituted for the police authority and the chief officer of the fire brigade shall be substituted for the chief officer of the police;

(5) The permanent fire brigade pension fund shall be substituted for the pension fund;

(6) The provisions of section 14 shall apply to a person who has served both in a police force and in the permanent fire brigade;

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(7) The fund and rate out of which the expenses of the permanent fire brigade are paid shall be substituted for the police fund and the rate levied for the police fund;

(8) The deductions from the pay of a member of the permanent fire brigade made under section 15 of the Act of 1890 shall be at a rate not exceeding four per centum per annum on his pay;

Provided that with respect to the present members of the fire brigade whose service at the time of the commencement of the fire brigade existing pension fund exceeded eleven years the deduction from their pay shall be at the rate of seven and a half per centum per annum until the expiration of five years from the ninth day of October one thousand eight hundred and ninety-four;

(9) The approved service of a member of the permanent fire brigade for any period before as well as after the passing of this Act and his approved service in the police force of the borough for any period either before or after the passing of this Act shall be reckoned as approved service and his service for not less than three years either wholly or partly before or after the passing of this Act in any police force or in any fire brigade in which such service would reckon for pension in any part of the United Kingdom from which he removed with the sanction of the chief officer or police authority of that force to the permanent fire brigade shall (notwithstanding the sanction was not given in writing) be reckoned as approved service for the said period in the permanent fire brigade;

(10) The Corporation shall make annually a return containing such particulars of the capital income and expenditure of the permanent fire brigade pension fund as the Secretary of State may direct and verified if the Secretary of State so require by the statutory declaration of the treasurer of the fund.

Transfer of existing fund to the permanent fire brigade pension fund.

64. The Corporation shall forthwith after the passing of this Act transfer to the permanent fire brigade pension fund the fire brigade existing pension fund.

Contribution of Corporation.

The Corporation shall also pay from the borough fund or borough rate such contribution to the permanent fire brigade pension fund as the Secretary of State may by order determine to be a fair contribution in respect of the pensions gratuities or allowances by this Act authorised to be paid.

Part VII.—Finance.

Power to Corporation to borrow.

65. The Corporation (in addition to any other moneys they are now authorised to borrow under any other Act or under the

sanction of any Public Department of the State) may from time to time borrow at interest on the following securities and for the following purposes (being purposes to which capital is properly applicable and not otherwise) the following sums not exceeding in the aggregate the sum of four hundred thousand pounds (that is to say):—

On the security of the borough fund and borough rate—

For paying the costs of this Act as herein-after defined the sum requisite for the purpose;

For paying any compensation payable to officers under the provisions of this Act the sum necessary for that purpose:

On the security of the tramway revenue and borough fund and borough rate—

For tramway purposes two hundred and ninety thousand pounds:

On the security of the borough fund and borough rate—

For the fire-engine station purposes fourteen thousand six hundred pounds;

For the purchase of the reversion in the plot of land forming part of the Heywood Recreation Ground the sum necessary for the purpose:

On the security of the district funds and district rates—

For highway works twenty-two thousand three hundred and ninety pounds;

For the fever hospital extension six thousand pounds;

For the lavatories three thousand pounds;

For the demolition of insanitary buildings such sum as the Local Government Board may sanction;

For the expenditure under Article III. of the Order of 1893 such further sum as the Local Government Board may sanction:

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 re-borrowing shall not be restricted by any of the provisions of the Public Health Acts.

Certain provisions of Act of 1882 extended to this Act.

66. Part XI. (Corporation stock) of the Act of 1882 as amended by the Order of 1892 and the Order of 1893 and by this Act 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:

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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 repayment &c.

67.—(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 revenue fund or rate on the security of which the moneys to be repaid shall have been borrowed such equal sum as will with the accumulations thereof by way of compound interest at a rate not exceeding 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 within twelve months next following 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 and any compensation to be provided thereunder within any period not exceeding five years;

For tramway purposes within any period or periods not exceeding thirty years;

For the purposes of the said rent in any period or periods not exceeding sixty years;

For the fire-engine station in any period or periods not exceeding fifty years;

For highway works in any period or periods not exceeding fifty years;

For fever hospital extension in any period or periods not exceeding fifty years;

For the purposes of the lavatories in any period or periods not exceeding fifty years;

For the demolition of insanitary buildings in such period or periods not exceeding fifty years as the Local Government Board may sanction;

For the expenditure under Article III. of the Order of 1893 in such period or periods not exceeding ten years as the Local Government Board may sanction.

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

As to sinking fund.

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

(1) 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 and the income derived from such investments respectively in any statutory security:

(2) 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 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 per centum per annum on which the annual payments are based:

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

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

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

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

(6) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve:

(7) If the amount in any sinking fund at any time together with the probable accumulations thereon will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Board shall otherwise direct:

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

(9) If it appears to the Corporation at any time that the amount in any sinking fund established by them with the future payments thereto in accordance with the provisions of the Act under which the same was established together with the accumulations thereon will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation shall make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

Power to re-borrow.

69. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed by virtue of this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Annual return to Local Government Board with respect to sinking funds.

70.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied

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any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of moneys borrowed.

71. All moneys from time to time borrowed by virtue of this Act shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Receiver.

72.—(1) The mortgagees of the Corporation in respect of any moneys borrowed by virtue of this Act may enforce the payment of arrears of interest or principal or of principal and interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than three thousand pounds in the whole.

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

Corporation may lend fund for one loan to repay any other loan.

73. The Corporation may at any time transfer moneys belonging to the loans fund to any sinking fund for the purpose of paying off debt but in every such case the amount so transferred together with interest thereon at the rate per centum on which the payments to the loans fund are based shall be a debt due to that fund from the sinking fund and in the meantime the said transfer shall be deemed an investment of the loans fund authorised by this Act Provided that the amount which the Corporation shall be bound to pay into any sinking fund shall not be altered by such transfer except that such amount shall be increased if necessary for the repayment of the debt to the fund from which the transfer was made.

Power to issue stock at lower rate of dividend.

74.—(1) Notwithstanding anything contained in section 95 of the Act of 1882 the Corporation may from time to time exercise any statutory borrowing power by the creation and issue under the powers of the Act of 1882 of a new class of redeemable stock at such price (not being lower than ninety-five pounds per centum) and bearing such dividend (not exceeding two pounds fifteen shillings per centum per annum) as the Corporation may by the resolution for such issue determine Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form

one and the same class of stock bearing the same rate of dividend and shall become redeemable as herein-after provided after the expiration of the same period from the first creation of such stock.

(2) After the expiration of such a period from the creation of the said stock as the Corporation shall by the resolution creating the same declare the stock shall be redeemable at par at the option of the Corporation and the whole of the stock shall be redeemed or purchased and extinguished within such a period (not exceeding sixty years) from the first creation of the stock as the Corporation shall by such resolution declare.

(3) All stock created by virtue of this section shall be charged in the same manner as and shall rank pari passu with stock issued under the provisions of the Act of 1882 except so far as those provisions are expressly altered by this Act.

Expenses of executing Act.

75. 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 as follows (that is to say):—

(1) For tramway purposes out of tramway revenue;

(2) For purposes connected with the highway works the new road the fever hospital the lavatories the demolition of insanitary buildings and expenditure under the said Article of the Order of 1893 out of the district funds and district rates;

For all other purposes out of the borough fund and borough rate:

And all deficiencies in the said revenues shall be paid as follows:—

In tramway revenue out of the borough fund;

And all moneys payable to or receivable by the Corporation for or in relation to any purpose under this Act shall be carried to the account on which the expenses incurred for or in relation to such purpose are directed to be charged:

Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

Part VIII.—Rating.

Extending limit of rate for public libraries.

76. The limit of the rate leviable by the Corporation for the purposes of the Public Libraries Acts 1892 and 1893 shall be two pence in the pound instead of one penny in the pound as fixed by the Public Libraries Act 1892.

As to collection of local rates.

77.—(1) From and after the passing of a resolution in that behalf by the council the powers and duties of any collector of

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poor rates appointed by the guardians of the Bolton Union shall cease in respect of the parish of Bolton.

(2) The Local Government Board may prescribe the form of rate to include the poor rate borough rate district rates water rate or rent or any other rate or rent and they may in respect of such rates and rents prescribe a form of demand note receipt and other necessary documents in respect of such rates and rents and any forms so prescribed shall be sufficient in law.

(3) Compensation shall be paid by the Corporation to every collector of poor rates and every assistant overseer appointed prior to the thirty-first day of May one thousand eight hundred and ninety-five who by reason of the exercise by the Corporation of the powers of this section or of anything done in pursuance or in consequence thereof suffers any loss by abolition of office or by diminution or loss of fees emoluments or salary.

(4) Any such compensation may (at the option of the Corporation) be by way of annuity or by payment of a sum in gross and in case of difference between the Corporation and any collector or assistant overseer as aforesaid as to the amount of compensation payable to him the difference shall be finally and conclusively settled by an arbitrator to be appointed by the Local Government Board.

Part IX.—Miscellaneous.

Corporation may appoint more than one inspector of nuisances.

78. The Corporation may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

Lavatories &c. under streets.

79. The Corporation may in or under any street in the borough construct maintain and fit up and supply with water and light lavatories for the use and accommodation of the public and may make and maintain accesses thereto and may use the soil of such street for those purposes and may employ and pay persons to take charge of and manage the lavatories and may from time to time make and enforce regulations with respect to admission thereto the use thereof and charges to be made therefor.

General provisions as to byelaws.

80. All byelaws made under this Act not being byelaws relating to tramways shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875.

Form and service of

81. The word "instrument" in section 121 (Form and service of notices by Corporation) of the Bolton Improvement Act 1877 shall

be deemed to include a summons to members of the council to attend the meetings thereof. summonses to meetings of council.

82.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Expenses of Local Government Board.

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

83. 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. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING LANDS BUILDINGS and MANUFACTORIES of which portions only may be taken.

Parish.	Numbers on deposited Plans.
Bolton - - - -	3 4 5 6 7 8 11 16 32 35 35a.

THE SECOND SCHEDULE.

Certain lands (containing about three thousand five hundred and fifty-four square yards) situate at Spa Road on which the Corporation have constructed a generating station for the purposes of the Bolton Electric Lighting Order 1891; and

Certain lands (containing about five hundred square yards) in the said township of Horwich situate on the north-west side of Fall Birch Lane at the junction of that lane with Chorley New Road and bounded on the south-westerly side thereof by that road on the south-easterly side by the same lane and on the north-easterly and north-westerly sides thereof by lands of James Barlow Crompton.

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