CHAPTER xi.

An Act to provide for the construction of a new bridge over the River Ribble from Preston to Penwortham in the county palatine of Lancaster and for other purposes. A.D. 1912.

[25th June 1912.]

WHEREAS by an Act passed in the twenty-fourth year of the reign of King George the Second intituled "An Act "for building a Bridge over the River Ribble between the "townships of Preston and Penwortham near a place called the "Fishhouse in the County of Lancaster" (in this Act called "the Act of 1750") commissioners were established and authorised to build a bridge over the River Ribble between the townships of Preston and Penwortham in the county palatine of Lancaster:

And whereas by an Act passed in the thirtieth year of the reign of King George the Second intituled "An Act for "rebuilding the Bridge over the River Ribble between the "townships of Preston and Penwortham near a place called the "Fish House in the County Palatine of Lancaster" (in this Act called "the Act of 1756") the said commissioners were authorised to rebuild the said bridge:

And whereas the said bridge was rebuilt under the powers of the Act of 1756 and is in this Act called "the Old Bridge" and is vested in the said commissioners and it is expedient that the same should be vested in the county council for the administrative county of the county palatine of Lancaster (hereinafter called "the Council") and that the said commissioners should be abolished and the Act of 1750 and the Act of 1756 should be repealed:

And whereas the chief means of road communication between Preston and places to the south thereof is by way of the Old

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Bridge but the said bridge is narrow and inconvenient and inadequate to properly accommodate the traffic passing over the same:

And whereas the construction of a new bridge and approaches thereto between Preston and Penwortham would be of public and local utility and it is expedient that the requisite powers for constructing the same and the other works hereinafter referred to be conferred upon the Council:

And whereas the mayor aldermen and burgesses of the county borough of Preston have agreed with the Council to contribute the sum of five thousand pounds towards the construction of the new bridge and approaches and other works:

And whereas it is expedient to make such provisions for defraying the cost of such construction and for the maintenance of the new bridge and approaches and other works and of the Old Bridge as are hereinafter contained and to confer upon the Council and the said mayor aldermen and burgesses such other powers as are hereinafter set forth with reference thereto:

And whereas estimates have been prepared by the Council for the acquisition of land for and the execution of the works by this Act authorised to be constructed by the Council and such estimates are as follows:—

	£
For the construction of the new bridge and approaches and for acquisition of lands therefor - - - - - - - - -	36,200
For the construction of the new road and road widening and for acquisition of lands therefor - - - - - - - - -	2,100
	£38,300

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

And whereas by the Penwortham Bridge Act 1885 the justices of the peace for the said county palatine were authorised to build a new bridge over the River Ribble in the said townships of Preston and Penwortham but the powers of the said Act were never exercised and have long since lapsed and it is expedient that the said Act should be repealed:

And whereas by the Preston Chorley and Horwich Tramways Act 1903 (in this Act called "the Act of 1903") the Preston

Chorley and Horwich Tramways Company (in this Act called "the tramway company") were authorised to construct (inter alia) certain roads and a bridge across the River Ribble and to lay down a tramway therein described as Tramway No. 4 in part on the said roads and on and over the said bridge:

And whereas by an indenture dated the thirtieth day of March one thousand nine hundred and six and made between the Council of the one part and the tramway company of the other part which indenture was scheduled to and confirmed by the Preston Chorley and Horwich Tramways Act 1906 (in this Act called "the Act of 1906") it was provided (inter alia) that in the events therein mentioned the Council might construct the said last-mentioned bridge and that in such case the tramway company should contribute a sum of twenty thousand pounds towards the cost of such construction:

And whereas the tramway company have not yet exercised their powers in relation to the construction of the said bridge roads and tramway which they were authorised to construct and lay down as aforesaid and the Council have not constructed the said bridge and it is expedient that the said powers of the tramway company in that behalf should so far as is by this Act provided be abandoned and that the tramway company should be empowered to construct the tramway hereinafter described on the terms and conditions in this Act contained:

And whereas it is expedient that the further provisions contained in this Act should be made:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken for the purposes or under the powers of this Act with 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 those lands have been deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the third day of August one thousand nine hundred and eleven after ten clear days' notice

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by public advertisement of such meeting and of the purpose thereof in the Preston Guardian a newspaper published and circulating in the county of Lancaster such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense of and in relation to promoting the Bill for this Act should be charged on the county fund and county rate:

And whereas the said resolution was published twice in the Preston Guardian a newspaper published and circulating in the said county and has received the approval of the Local Government Board:

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

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

Short title.

1. This Act may be cited as the Penwortham Bridge Act 1912.

Incorporation of Acts

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the application of such provisions to the improvements the term "railway" shall mean the improvements and the expression "the centre of the railway" shall mean the new bridge or other work as the case may be:

Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

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Interpretation.

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

The expression "the Council" means the county council for the administrative county of the county palatine of Lancaster;

The expression "the county" means the county palatine of Lancaster;

The expression "the corporation" means the mayor aldermen and burgesses of the county borough of Preston;

The expression "the county borough" means the county borough of Preston;

The expression "the river" means the River Ribble;

The expression "the new bridge" means the new bridge (including any carriageway and footways thereon) by this Act authorised;

The expression "the improvements" means the new bridge and approaches thereto the new road the widening improvement and alteration of existing roads and the works in connection therewith respectively by this Act authorised;

The expression "the tramway" means the tramway by this Act authorised;

The expression "street" has the meaning assigned to that term in the Public Health Act 1875 and the Acts amending the same;

The expression "two justices" means two justices acting together in petty sessions.

Power to execute works.

4. The Council may subject to the provisions of this Act and in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct the works hereinafter described with all necessary and proper footways carriageways approaches works and conveniences connected therewith.

The works hereinbefore referred to and authorised by this Act will be situate in the county and are—

Work No. 1 A new bridge and approaches for vehicular and pedestrian traffic across the river commencing in the

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township and parish of Penwortham at a point eight and a half chains or thereabouts measured in a north-easterly direction from the south-western corner of the entrance lodge to Penwortham Priory and terminating at or near the junction of Strand Road with Fishergate in the county borough:

Work No. 2 A new road wholly in the township and parish of Penwortham commencing by a junction with the Preston and Liverpool main road at a point in that road nineteen chains or thereabouts measured in a north-westerly direction from the centre of Fish House (Hundred) Bridge and terminating by a junction with the south-western approach to the new bridge at a point seven and a half chains or thereabouts measured in a north-easterly direction from the commencement of such approach:

Work No. 3 A widening of the said Preston and Liverpool main road in the township and parish of Penwortham on the north-westerly side thereof between the entrance lodge to Penwortham Priory and the commencement of the said new road (Work No. 2).

Subsidiary works affecting river.

5. Subject to the provisions of this Act the Council may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with the new bridge and approaches by this Act authorised and at or near any works or erections to be made or put up by the Council for or connected with the construction of the said bridge and approaches and may place and keep in the river all such temporary piles fenders booms dolphins pontoons caissons stagings cofferdams and all such permanent embankments piers abutments wharves walls fences drains stairs subways buildings and all such other works and conveniences as they may deem proper or find necessary or expedient.

Power to deviate.

6. Subject to the provisions of this Act the Council may in making any of the improvements deviate to any extent not exceeding three feet downwards and five feet upwards from the levels defined on the deposited sections and may deviate laterally from the line of any of the improvements to any extent within the limits of deviation defined on the deposited plans Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade.

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Power to make subsidiary works.

7. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connection with the powers granted to them by this Act and as part of the improvements may make junctions and communications with any street bridge way stream or watercourse interfered with by or contiguous to the improvements and may divert widen or alter the line or level of any street bridge way stream or watercourse and may alter and interfere with any tramway steps boundary walls railings windows and pavements and they may execute any works for the protection of any adjoining land or buildings Any pipes paving metalling or materials in on or under any street so altered or diverted shall vest in the Council In the exercise of the powers conferred by this section the Council shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of the powers aforesaid.

Alteration of position of water gas and other pipes.

8. Subject to the provisions of this Act the Council may for any purpose in connection with the improvements upon the lands shown in connection therewith upon the deposited plans and also in any street within the limits of deviation defined on the said plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration Provided always that before the Council alter the position of any main pipe tube wire or apparatus laid down or used by any such company or person they shall (except in cases of emergency in which cases as long notice as possible shall be given) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done (at

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the expense of the Council) under the superintendence of the company or person to whom such main pipe tube wire or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company or person Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is less than two feet unless the Council shall in such case protect the said main or pipe from frost or injury by artificial covering to the reasonable satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the said main or pipe to the reasonable satisfaction of the engineer of such company or person:

Provided also that if the Preston Gas Company within seven days after receipt by them of any notice from the Council under this section (other than a notice given thereunder by the Council in a case of emergency) elect by notice in writing to the Council so to do the gas company may themselves alter the position of any gas pipe or other apparatus of the gas company to which such notice relates under the superintendence and to the reasonable satisfaction of the county bridgemaster of the county and the amount reasonably expended by the gas company in so doing shall be repaid to them by the Council but if for seven days after giving any notice the gas company do not proceed with due diligence to alter any such pipe and apparatus as aforesaid the Council may forthwith alter the same:

If any difference arise between the Council or the said county bridgemaster and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Council or

any such company or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the Council and any such company or person respectively or failing agreement by such engineer as shall on the application of the Council or any such company or person be named by the Board of Trade whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct:

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section:

Provided also that the Council shall not alter the position of or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

Power to temporarily stop up or interfere with streets &c. for purposes of improvements.

9. The Council for the purposes of the powers granted to them by this Act and during the making of the improvements may in or upon the lands shown in connection therewith upon the deposited plans stop up or interfere with alter or divert temporarily all or any part of any street place bridge wharf river stream or watercourse which they shall think necessary for such purposes to be stopped up or interfered with altered or diverted and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such street place bridge wharf river stream or watercourse open for traffic and may make such orders for regulating the traffic as to them shall seem proper.

The Council shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such street or place and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section.

Sewers or drains to be removed arched over or filled up.

10. The Council may cause to be removed arched over or filled up all such culverts sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvements as shall appear necessary for

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executing the purposes of this Act so as that no culvert sewer or drain (unless the same become unnecessary by reason of the purchase by or vesting in the Council of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another culvert sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any culvert sewer or drain or part thereof as aforesaid the Council shall where necessary cause to be made and built other good and sufficient culverts sewers and drains in substitution for the culverts sewers or drains which shall be removed or filled up and when made and completed the said culverts sewers and drains shall be under the same jurisdiction care management and direction as the existing culverts sewers or drains for which they are substituted.

Power to stop up streets.

11. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council may for the purposes of and in connection with the powers granted to them by this Act stop up and appropriate the site and soil of any streets ways roads courts passages alleys or plantations shown upon the said plans making all reasonable compensation to any person who suffers damage by any such stopping up as aforesaid.

Council empowered to lay out carriageways and footways.

12. Subject to the provisions of this Act the Council may cause such parts of the improvements to be laid out for carriageways and such parts thereof for footways as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct and provide such carriageways footways vaults cellars arches sewers drains subways and other works and conveniences as they may respectively think proper for the purposes of the improvements and in laying out or forming such carriageways and footways and works the Council may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban or road authority when they stop up temporarily any road thoroughfare or any part thereof in the repairing or repaving of any street.

No main or pipes to be laid on new bridge except

13. Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon break up or interfere with the

new bridge or the carriageways and footways over the same respectively for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the Council in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Council may reasonably determine Provided that nothing in this section contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1911.

with consent of Council.

14. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Works below high water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Council and the amount of such cost shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

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

Survey of works by Board of Trade.

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

Abatement of work abandoned or decayed.

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Lights on works during construction.

17. The Council shall at or near the works below high water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

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

Permanent lights on works.

18. The Council shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

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

Provision against danger to navigation.

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

Power to Council to take lands.

20. Subject to the provisions of this Act the Council may enter upon take and use 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 improvements or of recoupment or exchange or for other purposes of this Act.

Power to acquire additional lands by agreement.

21. In addition to the other lands which the Council are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the improvements any lands not exceeding ten acres:

Provided that nothing in this Act shall exonerate the Council from any indictment action or other proceeding for

nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the provisions of this section.

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

22. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions 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 schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are in this section included in the term "the owner" and the said properties are in this section 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 Council that he alleges that 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 Council such portion only without the Council being obliged or compellable to purchase the whole the Council 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 Council allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions 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

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and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council 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 Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council 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 determination of any matters under this section 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 Council 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 Council 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 conse-

quence of such notice or such portion thereof 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 to sell and convey any premises.

Persons under disability may grant easements &c.

23. 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 Council 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.

Errors and omissions in plans &c. to be corrected by Justices who shall certify the same.

24. 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 Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it shall appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county and such certificate shall be kept by such clerk with the other documents to which the same relates 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 Council to take the lands and execute the works in accordance with such certificate.

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Power to Council to enter upon property for survey and valuation.

25. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and buildings by this Act authorised to be taken and used thereunder or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Costs of arbitration in certain cases.

26. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

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Compensation in cases of recently altered buildings.

27. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the thirtieth day of November one thousand nine hundred and eleven if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to acquire easements.

28. Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not be required to purchase or acquire any part of the river or of the bed banks and foreshore thereof or to acquire any greater right or interest therein than the right to use the same for the purpose of constructing and maintaining the new bridge and approaches and the works connected therewith but the Council may purchase and acquire and the owners of and other persons interested in the said river and bed banks and foreshore shall sell to the Council if required such right or easement as aforesaid.

Power to Council to make agreements with owners of property &c.

29. Subject to the provisions of this Act the Council may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any owners of property or other persons interested in lands houses or property shown or partly shown on the deposited plans with respect to the purchase by the Council of any such lands houses or property or any rights or easements in on or affecting the same for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the Council and such owners or other persons.

Power to corporation &c. to transfer lands.

30. The corporation and Sir William Hulton Baronet and Carlton Cross Esquire or other the trustees for the time being of and all other persons interested in the estate in the neighbourhood of the county borough known as the ffarington Estate may dedicate free of cost any lands belonging to them respectively or in which they are interested as tenants in common or as joint tenants which may be required by the Council for the purpose of the construction maintenance or repair of the improvements and may enter into and carry into effect any agreements for such purposes.

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Application of moneys from sale of materials &c.

31. The Council shall subject as in this section is provided apply all moneys from time to time received by them in respect of any contribution from the tramway company or from the corporation or any other body under this Act or in respect of the sale of materials by this Act authorised in or towards paying off moneys borrowed and for the time being owing by the Council under this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act:

Provided that if at any time the Council shall have in their hands moneys so received by them they may at their discretion apply the said moneys or any part thereof as part of the capital authorised to be raised under the section of this Act whereof the marginal note is "Money to be raised by Council on capital account" in lieu of borrowing further moneys under the provisions of the said section.

Period for completion of new bridge and approaches.

32. If the new bridge and approaches by this Act authorised be not completed within five years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the construction thereof shall cease except so far as the same shall have been completed.

Period for compulsory purchase of lands.

33. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Certificate of completion.

34. When and so soon as the improvements or any part thereof are or is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the improvements or such part thereof to which the certificate relates as shall have been laid out as carriageway or footway shall be open to the public accordingly.

New bridge to be vested in Council.

35. The new bridge shall when completed be vested in the Council and become and be a county or a hundred bridge as the Council may determine under the jurisdiction control and management of the Council and shall subject to the provisions of this Act be maintained by them accordingly.

Maintenance of new road and street improvements.

36.—(1) The new road (Work No. 2) by this Act authorised and any lands added to the highway for the purpose of executing the widening (Work No. 3) or any part thereof and the whole of the south-western approach to the new bridge shall be main roads within the meaning of the Local Government Act 1888 and shall subject to the provisions of this Act vest in and be maintained by the Council in the same manner and to the same extent as other main roads in the county.

(2) The north-eastern approach to the new bridge (which approach shall be deemed to extend from the termination of the new bridge and approaches (Work No. 1) by this Act authorised to a point two hundred feet measured in a north-easterly direction from the centre of the new bridge) shall subject to the provisions of this Act vest in and be maintained by the corporation to the same extent as other streets and roads in the county borough are vested in and maintained by them.

Saving rights of corporation under Ribble Navigation Acts.

37. If the corporation shall widen alter or improve any street in the county borough which may be near to or in the vicinity of the new bridge and form a means of communication thereto or to the north-eastern approach thereof the addition by the corporation of any land to any such street for the purpose of such widening alteration or improvement shall be without prejudice to any rights powers or duties of the corporation under or by virtue of the Ribble Navigation Acts 1853 to 1905 and shall not be deemed to diminish derogate from or take away the right of the corporation to hereafter appropriate or use such land or any part thereof for the purposes or in exercise of any rights powers or duties of the Corporation under or by virtue of the said Acts of 1853 to 1905 in the same manner and to the same extent as the corporation might have appropriated or used the same if the said lands had not been added to such street.

For protection of Postmaster General.

38.—(1) The Council shall in constructing the new bridge provide such reasonable accommodation under the footway on the north side of the carriageway of the said bridge as shall be sufficient for three pipes of an internal diameter not exceeding three and a quarter inches containing telegraphic lines The accommodation shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster General shall not have intimated to the Council his disapproval thereof or made any requirement

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with respect thereto he shall be deemed to have approved the same.

(2) The Postmaster General shall forthwith make good to the reasonable satisfaction of the county bridgemaster of the county all such parts of the said footway or the flagging thereof and soil thereunder and any parts of the said bridge which may be at any time interfered with by the Postmaster General in the exercise of the powers of this section or any of them.

(3) If any difference shall arise between the Postmaster General and the Council under this section such difference shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Preston Gas Company.

39. For the protection of the Preston Gas Company (in this section called "the company") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed between the Council and the company apply and have effect (that is to say):—

(1) The Council in carrying out the construction of the new bridge shall leave a vacant space of two feet in width and one foot four inches in depth under the flagging of the footway on the north side of the carriageway of the said bridge for the gas mains of the company and the company shall at all reasonable times be entitled to lay down maintain renew repair and inspect the mains pipes and apparatus of the company in such space and shall have all such rights of access at all such times as may be necessary for such purposes or any of them:

(2) The company shall forthwith make good to the reasonable satisfaction of the county bridgemaster of the county all such parts of the said footway or the flagging thereof and soil thereunder and any parts of the said bridge which may be at any time interfered with by the company in the exercise of the powers of this section or any of them:

(3) If any difference shall arise between the Council or the said county bridgemaster and the company under this section such difference shall be referred to and determined by an engineer to be appointed failing agreement

by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of National Electric Supply Company Limited.

40. For the protection of the National Electric Supply Company Limited (in this section called "the company") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed between the Council and the company apply and have effect (that is to say):—

(1) The Council in carrying out the construction of the new bridge shall leave a vacant space of six feet in width and at least ten inches in depth under the flagging of the footway on the south side of the carriageway of the said bridge for the cables of the company and the company shall at all reasonable times be entitled to lay down add to maintain renew repair and inspect their cables in such space and shall have all such rights of access at all such times as may be reasonably necessary for such purposes or any of them:

(2) The company shall forthwith make good to the reasonable satisfaction of the county bridgemaster of the county all such parts of the said footway or the flagging thereof and soil thereunder and any parts of the said bridge which may be at any time interfered with by the company in the exercise of the powers of this section or any of them:

(3) If any difference shall arise between the Council or the said county bridgemaster and the company under this section such difference shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

As to Old Bridge.

41.—(1) As from the first day of January one thousand nine hundred and fourteen the Old Bridge and all the estate and interest therein of the commissioners established under the Act of 1750 shall by virtue of this Act be vested in and be the property of the Council and the Old Bridge shall become and be a hundred bridge under the jurisdiction control and manage-

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ment of the Council and shall subject to the provisions of this Act be maintained accordingly and the said commissioners shall be dissolved and all property funds and assets held by them under or by virtue of the Act of 1750 or the Act of 1756 shall be transferred to and vested in the Council and the said Acts of 1750 and 1756 shall as from such date be and the same are hereby repealed.

(2) Save in so far as the Council and the corporation may otherwise agree the corporation shall on or before the first day of March in each year pay to the Council one-half of the cost incurred by the Council in the then last preceding year in the maintenance and repair of the Old Bridge If any question shall arise between the Council and the corporation as to the amount of any payment which the corporation may be required to make to the Council under this subsection such question shall be determined by arbitration in the manner provided by this Act.

(3) Any moneys paid by the corporation under this section may be paid out of the district fund and general district rate of the county borough.

(4) The Council shall pay to the clerk to the said commissioners compensation for loss by abolition of his office as such clerk Section 120 of the Local Government Act 1888 shall with such modifications (including the substitution of the Local Government Board for the Treasury) as may be required apply and have effect for the purposes of this subsection.

As to discontinuing use of Old Bridge for certain purposes.

42.—(1) At any time after the date of a certificate issued under the section of this Act of which the marginal note is "Certificate of completion" that the new bridge and approaches by this Act authorised have been completed the Council may as and when they think fit by resolution prohibit the use of the Old Bridge by any mechanically-propelled vehicle or by any vehicle which weighs with its total load over three tons.

(2) At any time after the construction and opening for public traffic of a carriageway for vehicles from the Preston and Liverpool main road to the south-western approach to the new bridge on the line of or near to the footpath now existing on or along the west bank of the river between the said main road and the said approach the Council may as and when they think fit by resolution prohibit the use of vehicles of every description on the Old Bridge.

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(3) No resolution of the Council passed for the purposes of this section shall come into force until the same has been made public by notice thereof having been affixed at each end of the Old Bridge for a period of fourteen consecutive days.

(4) From and after any resolution of the Council passed under the provisions of this section prohibiting the use of the Old Bridge by mechanically-propelled vehicles or by any vehicle weighing with its total load over three tons has been made public as aforesaid the owner and driver of any such vehicle which shall use the Old Bridge and from and after any resolution of the Council so passed prohibiting the use of vehicles of every description on the Old Bridge has been made public as aforesaid the owner and driver of any vehicle which shall use the Old Bridge shall be liable on summary conviction to a penalty not exceeding in respect of the first offence twenty shillings and in respect of the second or any subsequent offence five pounds.

(5) In the event of the Council resolving to prohibit the use of the Old Bridge for vehicles of every description under the powers of this section it shall be lawful for the Council to place posts bars or erections in or upon the Old Bridge and the approaches thereto to prevent vehicles using the same.

Contributions by corporation.

43.—(1) The corporation may and within two months after the county bridgemaster of the county shall have certified that works of or relating to the improvements to a value of not less than fifteen thousand pounds have been executed shall pay to the Council the sum of five thousand pounds as a contribution towards the construction of the improvements.

(2) Save in so far as the Council and the corporation may otherwise agree the corporation shall on or before the first day of March in each year pay to the Council one-half of the cost incurred by the Council in the then last preceding year in the maintenance repair and improvement of the new bridge If any question shall arise between the Council and the corporation as to the amount of any payment which the corporation may be required to make to the Council under this subsection such question shall be determined by arbitration in the manner provided by this Act.

(3) Any moneys paid by the corporation under this section may be paid out of the district fund and general district rate of the county borough.

(4) Any moneys received by the Council in pursuance of this section shall be dealt with in the manner provided by the

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section of this Act of which the marginal note is "Application of moneys from sale of materials &c."

Agreements between Council and corporation.

44.—(1) The Council on the one hand and the corporation on the other hand may from time to time enter into and carry into effect agreements or arrangements with respect to the lighting cleansing repairing maintenance and improvement of the improvements and the Old Bridge or either of them or any part or parts thereof respectively by either of the said parties and as to the payments or contributions to be from time to time made by either of them to the other in respect of any such matters as aforesaid.

(2) Any expenses incurred by the Council under this section may be defrayed by them as payments for general county purposes within the meaning of and as authorised by the Local Government Act 1888 or as payments for special county purposes within the meaning of that Act chargeable on one hundred or two or more hundreds or partly in one way and partly in another as the Council may decide and any expenses incurred by the corporation under this section may be paid out of the district fund and general district rate of the county borough.

Power to corporation to borrow.

45. The corporation may from time to time borrow at interest the sum of five thousand pounds which they are by this Act authorised to contribute towards the construction of the improvements or any part of such sum on the security of the district fund and general district rate of the county borough and the sum so borrowed shall be repaid by the corporation within a period not exceeding thirty years from the date or dates of borrowing the same:

Provided that in calculating the sum which the corporation may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow or which are charged upon the district fund and general district rate under or by virtue of this Act shall not be reckoned.

The provisions of sections 27 29 30 and 33 to 38 inclusive of the Preston Corporation Water Act 1904 shall apply mutatis mutandis in regard to moneys borrowed under the provisions of this section.

Money to be raised by Council on capital account.

46.—(1) The Council may expend on capital account for the purpose of carrying out the improvements and other purposes of this Act including the acquisition of land and compensation

for injury and damage and for the payment of the expenses by this Act authorised (including the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act) such money as they may from time to time think fit not exceeding the sum of forty thousand pounds and in order to raise or provide the money so required the Council may borrow such sums as may be from time to time required for such purposes but not exceeding the said sum of forty thousand pounds.

(2) The Council shall pay off any money borrowed by them on capital account under this section within a period not exceeding thirty years from the date of the borrowing of such money except as regards money borrowed for the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" which shall be repaid within five years from the passing of this Act.

(3) Section 69 of the Local Government Act 1888 shall so far as applicable apply to the borrowing of moneys by the Council under this Act.

(4) All sums of money which the Council may from time to time require for the repayment of and the annual interest payable on the moneys so borrowed shall subject to the provisions of this Act be defrayed by them as payments for general county purposes within the meaning of and as authorised by the Local Government Act 1888 or as payments for special county purposes within the meaning of that Act chargeable on one hundred or two or more hundreds or partly in one way and partly in another as the Council may decide.

Return to Local Government Board as to repayment of debt.

47.—(1) The clerk of the Council 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 be prescribed by that Board and if required by that Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for

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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 such 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 Council 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 any portion of any sinking fund to any purposes 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.

Power to tramway company to make tramway.

48. Subject to the provisions of this Act the tramway company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections relating thereto the tramway hereinafter described with all proper rails plates works and conveniences connected therewith Provided that nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

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The tramway hereinbefore referred to and authorised by this Act will be situate wholly in the county borough and is—

A tramway (7·58 chains or thereabouts in length being single line throughout) commencing by a junction with Tramway No. 4 by the Act of 1903 authorised at a point on the new bridge 1 furlong 8·56 chains or thereabouts measured in a north-easterly direction from the point of commencement of the new bridge and approaches (Work No. 1) by this Act authorised and terminating by a junction with the existing tramways of the corporation in the centre of Fishergate Hill opposite the south-easterly corner of the Regatta Inn.

Tramway to form part of undertaking of tramway company.

49. The tramway shall for the purposes of tolls rates and charges and subject to the provisions of this Act for all other purposes whatsoever form part of the undertaking of the tramway company and the following sections of the Act of 1903 the Act of 1906 and the Preston Chorley and Horwich Tramways Act 1909 respectively so far as they are applicable for the purposes of this Act shall apply mutatis mutandis to and in relation to the tramway and to the tramway company in respect thereof and be deemed to be incorporated with and form part of this Act (namely):—

Act of 1903—

Section 13 (Inspection by Board of Trade):

Section 15 (Gauge of tramways):

Section 16 (Tramways to be kept on level of surface of road):

Section 17 (Plans of proposed mode of construction of tramways):

Section 18 (Repair of part of road where tramway is laid):

Section 19 (As to rails of tramways):

Section 20 (Penalty for not maintaining rails and roads):

Section 21 (Sanitary authority to have access to sewers):

Section 23 (Power to make additional cross-overs and to double tramway lines):

Section 25 (Application of road materials excavated in construction of works):

Section 26 (Stopping of roads during execution of works):

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Section 46 (Fares for passengers):
Section 47 (Passengers' luggage):
Section 48 (Purposes for which tramways may be used):
Section 49 (Small parcels):
Section 50 (Cheap fares for labouring classes):
Section 51 (As to fares on Sundays and holidays):
Section 52 (Periodical revision of rates and charges):
Section 53 (Byelaws by Board of Trade):
Section 55 (Penalty for malicious damage):
Section 56 (Consents of local or road authority):
Section 57 (Byelaws by local authority):
Section 58 (Provisions as to motive power):
Section 59 (As to posts standards and brackets):
Section 62 (Special provisions as to use of electrical power):
Section 63 (Alteration of telegraph lines of Postmaster General):
Section 64 (For protection of Post Office telegraph lines):
Section 65 (Apparatus used for mechanical power to be deemed part of tramway) as amended by section 38 of the Act of 1906:
Section 85 (Agreements with road authority):
Section 86 (Local and road authorities may use tramways for certain purposes):
Section 88 (As to purchase of undertaking):
Section 91 (Recovery of penalties):
Section 93 (Orders and regulations).

Act of 1906—

Section 34 (Purposes for which tramways may be used):
Section 35 (Rates for animals goods &c.):
Section 39 (Company may apply existing funds).

Preston Chorley and Horwich Tramways Act 1909—

Section 8 (Use of tramway posts by Postmaster General):
Section 21 (Company may appoint stages on tramways).

Period for completion of tramway.

50. If the tramway be not completed within one year from the date of a certificate under the section of this Act of

which the marginal note is "Certificate of completion" that the new bridge and approaches by this Act authorised have been completed then on the expiration of that period the powers by this Act granted to the tramway company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to deviate in construction of tramway.

51. So far as may be necessary to conform with any deviation of the new bridge permitted by this Act but not otherwise the tramway company may in constructing the tramway deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding three feet downwards and five feet upwards but nothing in this section shall authorise the construction of the tramway otherwise than in the centre of the carriageway without the consent of the county bridgemaster of the county.

Abandonment of portion of authorised works.

52. The tramway company shall abandon the construction of the new bridge and roads authorised by section 7 of the Act of 1903 and the construction of the portion of Tramway No. 4 authorised by that Act which lies between the points of commencement and termination of the tramway and sections 7 28 to 34 (inclusive) and subsections (17) and (18) of section 35 of the Act of 1903 section 19 of the Act of 1906 and the agreement bearing date the thirtieth day of March one thousand nine hundred and six set forth in the Second Schedule to the Act of 1906 together with all powers granted to the company for the construction of the said bridge and roads and the said portion of the said Tramway No. 4 are hereby repealed and cancelled.

Restriction on exercise of powers of tramway company.

53. Notwithstanding anything contained in this Act the tramway company before commencing to construct the tramway upon or in any way to interfere with any part of the improvements or the site thereof shall either pay to the Council the sum of twelve thousand pounds or with the sanction of the Council in lieu of such payment give such security for the due payment thereof as may be satisfactory to the Council but subject as aforesaid the portion of the tramway which will be situate on any part of the improvements may as far as possible be constructed contemporaneously with the construction and formation of such part of the improvements.

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Any moneys received by the Council in pursuance of this section shall be dealt with in manner provided by the section of this Act of which the marginal note is "Application of moneys from sale of materials &c."

Application of certain provisions of tramway company's Acts to tramway.

54.—(1) The provisions of section 35 of the Act of 1903 as varied or amended by the Act of 1906 and the Preston Chorley and Horwich Tramways Act 1909 shall so far as applicable and subject to the provisions of this Act extend and apply to the tramway.

(2) The tramway company and the Council or any local or road authority as the case may be may (so far as the same relate to the Council or such local or road authority) agree in writing upon any variation either generally or in their application to the tramway of the provisions applied to the tramway by this section or as to the manner in which effect shall be given to such provisions or any of them.

For protection of corporation.

55. For the protection of the corporation the following provision shall apply and have effect:—

The tramway company shall not effect any junction with the tramways of the corporation except with their consent.

Power to sell materials.

56. The Council may sell or dispose of any materials of any houses buildings or structures acquired by them respectively under the powers of this Act and not required for the improvements and also all materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act and the materials (if any) obtained in the course of the improvements.

Compensation how to be determined.

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

Arbitration.

58. Any question or difference arising under this Act the settlement or determination whereof is not otherwise provided for thereunder shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Repeal of Penwortham Bridge Act 1885.

59. The Penwortham Bridge Act 1885 shall be and the same is hereby repealed.

Provision as to general Tramway Acts.

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

Costs of Act.

61. 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 borne by the Council.

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SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish.	Numbers on Deposited Plans.
Preston - - - - - - -	4 7
Penwortham - - - - - -	3

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