CHAPTER lvi.

An Act to authorise the Preston Chorley and Horwich Tramways Company to acquire lands and for other purposes. [24th June 1904.]

A.D. 1904.

WHEREAS the Preston Chorley and Horwich Tramways Company (herein-after referred to as "the Company") were incorporated by the Preston Chorley and Horwich Tramways Act 1903 and are authorised to construct and work the tramways in the said Act described:

And whereas section 45 (2) of the said Act (herein-after referred to as "the Act of 1903") provided as follows:—

> "The Company shall not open for traffic any part of the tramways by this Act authorised until they have completed a bridge with all proper and convenient incidental works for carrying either over or under the railway the public road which crosses the Lancashire Company's railway on the level at Bamber Bridge and until all rights of way over the existing level crossing have been extinguished":

And whereas it is expedient that so much of section 45 of the Act of 1903 as provides that no part of the tramways by that Act authorised shall be open for traffic until all rights of way over the said existing level crossing have been extinguished should be altered and modified as herein-after provided:

And whereas by section 35 of the Act of 1903 before opening for traffic any tramway by that Act authorised the Company are bound to widen the road along which any such tramway is laid to a uniform width of twenty-seven feet of metalled carriage-

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way in addition to the existing width of footpath save and except as in the said section is excepted and it is expedient for the purpose of carrying out their obligations under the said section and for the purpose of erecting a station or stations for generating electricity that the Company should be empowered to enter upon take and use the lands herein-after described or some of them or some part or parts thereof:

And whereas plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

Short title.

1. This Act may be cited as the Preston Chorley and Horwich Tramways Act 1904.

Incorporation of general Acts.

2. So far as the same relate to the powers conferred by this Act the Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Act of 1903 have the same respective meanings unless there be something in the subject or context repugnant to such construction and the words "and any council " corporation or person who shall construct maintain or execute " any work under the authority of this Act" in section 3 (Interpretation) of the Act of 1903 are hereby repealed.

Power to take lands.

4. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans as may be required for any of the purposes of this Act and for the purpose of widening the roads which the

Company are by the Act of 1903 required to widen between the points following (that is to say):— A.D. 1904.

In Preston Road—

(A) On the easterly side thereof from the northernmost end of Dark Lane Bridge to the southern side of Coppull Moor Lane:

(B) On the westerly side thereof between a point 0·75 chain or thereabouts north of the intersection of Chisnall Lane with Preston Road and a point 2·70 chains or thereabouts north of the first-mentioned point:

(C) On the westerly side thereof between a point 5·00 chains or thereabouts north of the said intersection of Preston Road with Chisnall Lane and a point 3·80 chains or thereabouts north of the first-mentioned point:

(D) On the easterly side thereof between a point 2·00 chains or thereabouts south of the intersection of Spendmore Lane with Preston Road and a point 1 furlong 0·40 chain or thereabouts south of the first-mentioned point:

In Birkacre Brow—

(E) On the westerly side between a point 1 furlong 5·70 chains or thereabouts north of the northern boundary of the premises known as the Wheatsheaf Inn and a point 8·80 chains or thereabouts south of the first-mentioned point:

In Spendmore Lane—

(F) On the southerly side between a point 1·00 chain or thereabouts east of the northern boundary of the said premises known as the Wheatsheaf Inn and a point 6·50 chains or thereabouts south-west of the first-mentioned point:

In Preston Road—

(G) On the southerly side between a point 3·00 chains or thereabouts east of the intersection of Squirrel Lane with Preston Road and a point 2·50 chains or thereabouts east of the centre of Anderton Ford Bridge:

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In Chorley Road—

(H) On the easterly side thereof between a point 6·30 chains or thereabouts west of the township boundary between the townships of Walton-le-Dale and Clayton-le-Woods and a point 6·00 chains or thereabouts south-east of the first-mentioned point:

In Lostock Lane—

(I) On the southerly side between a point 1·75 chains or thereabouts east of the entrance to Lostock Fold and a point 1 furlong 3·20 chains or thereabouts west of the said entrance:

In Church Road and Wigan Road—

(J) On the westerly side of Church Road and the east side of Wigan Road between a point in Church Road 8·00 chains or thereabouts south of the intersection of West Street and Station Road and a point in Wigan Road 4·50 chains or thereabouts south-west of the said point of intersection.

Maintenance of road widenings.

5. The road widenings referred to in and authorised by section 35 subsection (1) of the Act of 1903 shall after completion thereof and subject to the provisions of section 28 of the Tramways Act 1870 be vested in and maintained in repair as public highways by and at the expense of the authority or persons by whom or at whose expense the adjacent roads or portions of roads are repairable.

Lands for generating stations.

6. Subject to the provisions of this Act the Company may appropriate and use as stations for generating electrical energy and for providing and working thereon engines dynamos and other electrical plant and works the lands described in the schedule to this Act.

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

7. 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 Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices 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 of the borough or the clerk of the urban district rural district or parish council as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk clerk of urban district rural district or parish council 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 Company to take the lands and execute the works in accordance with such certificate.

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.

Power to grant easements &c.

8. 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 Company 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.

Period for compulsory purchase of lands.

9. The powers of the Company 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.

For protection of corporation of Liverpool.

10. For the protection of the mayor aldermen and citizens of the city of Liverpool (in this section called "the corporation") and their rights and privileges the following provisions shall apply and have effect (that is to say) :—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not without the previous consent in writing of the corporation under their corporate seal enter upon take or use any lands or property belonging to the corporation :

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(2) Notwithstanding anything in section 30 of the Tramways Act 1870 contained the Company shall not except with the consent of the corporation alter the position of or in any way interfere with any water main or pipe which forms part of the waterworks of the corporation :

(3) Any alterations of the corporation water mains which in the opinion of the water engineer to the corporation are necessary in consequence of the exercise of powers conferred by this Act shall be carried out by the corporation at the expense of the Company :

(4) If by reason of the exercise of powers conferred by this Act the corporation shall sustain any damage or injury or incur any liability the Company shall make full compensation in respect thereof.

Company may apply existing funds.

11. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have power to raise by shares or by borrowing under the Act of 1903.

Company may open tramways on completion.

12. Notwithstanding anything in the Act of 1903 contained the Company may on completion of Tramway No. 4 Tramway No. 5 and so much of Tramway No. 2 as extends from the junction of Tramway No. 4 therewith to the termination thereof in the urban district of Horwich by the Act of 1903 authorised open the same for traffic and so much of section 45 of the Act of 1903 as provides that no part of the tramways by that Act authorised shall be opened for traffic until all rights of way over the existing level crossing have been extinguished shall extend and apply only to Tramway No. 1 to Tramway No. 3 and so much of Tramway No. 2 as extends from the commencement thereof to the junction therewith of Tramway No. 4 by the Act of 1903 authorised and notwithstanding anything contained in subsection (17) of section 35 of the Act of 1903 the same shall not apply to Tramway No. 1 to Tramway No. 3 and so much of Tramway No. 2 as extends from the commencement thereof to the junction therewith of Tramway No. 4 by that Act authorised.

Release of deposit.

13. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 the sum of one thousand five hundred and sixty-three pounds eighteen shillings two and a half per centum Consolidated

Stock equal to four per centum upon the amount of the estimate in respect of the works sought to be authorised by the application to Parliament for this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in England in respect of the application to Parliament for this Act to the credit of ex parte the undertaking of the Preston Chorley and Horwich Tramways Bill 1904 which sum is referred to in this Act as "the deposit fund" And whereas the said application as to a portion of the said works has been rejected by Parliament and the remainder of the said works are authorised by this Act Be it enacted that notwithstanding anything contained in the said Act the High Court shall on the application of the person or persons or the majority of the persons named in the respective warrants or orders under which the deposit fund was so deposited order the deposit fund to be paid or transferred to them or as they or he may direct.

Costs of Act.

14. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company who shall be liable for the same as if they had been the original promoters of the Bill for this Act.

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The SCHEDULE referred to in the foregoing Act.

LANDS FOR GENERATING ELECTRICITY &C.

A field or close situate and being in the parish and township of Heath Charnock in the county of Lancaster bounded on the west by the Bolton Road and on the east by the Bolton and Preston Railway of the Lancashire and Yorkshire Railway Company being the property numbered 106 on the Ordnance map (scale $\frac{1}{2500}$) in the said parish and township of Heath Charnock.

A field or close situate and being in the said parish and township of Heath Charnock bounded on the north by the lane leading from Bolton Road to Bretters on the east by the said Bolton and Preston Railway and on the west by the Leeds and Liverpool Canal being the property numbered 120 on the Ordnance map (scale $\frac{1}{2500}$) in the said parish and township of Heath Charnock.

A field or close situate and being in the parish and township of Duxbury in the county of Lancaster and bounded on the east by the Leeds and Liverpool Canal and on the north by the lane leading from Skew Bridge to Middle Hill Farm being the property numbered 142 on the Ordnance map (scale $\frac{1}{2500}$) in the said parish and township of Duxbury.

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