CHAPTER xxxiv.

An Act to authorise the Preston Chorley and Horwich Tramways Company to acquire lands for road widenings to abandon a portion of their authorised tramways and to construct other works in lieu thereof to extend the period limited for construction of works and land purchases and for other purposes. [22nd June 1906.] A.D. 1906.

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 (herein-after called "the Act of 1903") and are authorised to construct and work the tramways in the said Act described:

And whereas by the Act of 1903 and by the Preston Chorley and Horwich Tramways Act 1904 (herein-after called "the Act of 1904") the Company were authorised to take lands for the purposes of those Acts respectively and it is expedient that the periods by those Acts respectively limited for the compulsory purchase of lands and for the completion of tramways and other works should be extended:

And whereas it is expedient that the Company be empowered to abandon the construction of so much of Tramway No. 4 authorised by the Act of 1903 as is herein-after provided and that the powers contained in this Act for constructing the new road and tramways herein-after mentioned be conferred upon the Company:

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

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tramway is laid to a uniform width of 27 feet of metalled carriageway 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 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 it is expedient that the agreement between the county council for the administrative county of the county palatine of Lancaster of the one part and the Company of the other part set forth in the Second Schedule to this Act should be confirmed by Parliament:

And whereas plans and sections showing the lines and levels of the new road tramways and other works by this Act authorised and indicating the position thereof and showing the lands required or which may be taken for the purposes or under the powers of the Act of 1903 and 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 it is expedient that the Acts of 1903 and 1904 should be altered and amended in manner provided by this Act:

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 1906.

Incorporation of general Acts.

2. So far as the same relate to the powers conferred by this Act the provisions of the Lands Clauses Acts and section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870

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 Acts of 1903 and 1904 have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires "the tramways" means the tramways by this Act authorised.

Works authorised.

Power to make road.

4. Subject to the provisions of this Act the Company may make form use and maintain the road herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The road herein-before referred to and authorised by this Act will be situate wholly in the county palatine of Lancaster and is as follows:—

A new road commencing by a junction with Wigan Road Bamber Bridge and terminating in Lostock Lane by a junction with the last-mentioned lane.

Power to make tramways and other works.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus stations depôts works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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The tramways herein-before referred to and authorised by this Act will be situate wholly in the county palatine of Lancaster and are—

Tramway No. 1 8·5 chains or thereabouts in length wholly single line commencing by a junction with Tramway No. 4 authorised by the Act of 1903 at or near the commencement of the said new road passing thence over and along the said new road and terminating by a junction with the said authorised tramway at or near the termination of the said new road:

Tramway No. 2 1·21 chains or thereabouts in length wholly single line commencing by a junction with Tramway No. 5 authorised by the Act of 1903 at its termination and terminating by a junction with the tramways of the Wigan Corporation at the termination thereof in High Street Standish.

Power to widen bridge.

6. Subject to the provisions of this Act the Company may in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections widen or reconstruct wholly or partially the bridge herein-after described namely:—

The bridge over the River Yarrow shown on the plans deposited with the clerk of the peace for the county of Lancaster with reference to the application for the Preston Chorley and Horwich Tramways Act 1903 as Birkacre Bridge and numbered 96 in the borough of Chorley and 97 in the parish and township of Coppull on the said plans and in the book of reference deposited therewith.

LANDS.

Power to take lands.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the book of reference 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):—

(1) In the parish and township of Penwortham :—

Leyland Road Widening No. 1.

(A) On the west side of Leyland Road between points respectively situate 8 chains or thereabouts and 16·5 chains or thereabouts measured in a south-easterly direction from the junction of Strickland Lane with Leyland Road:

(B) On the east side of Leyland Road and between points respectively situate 8 chains or thereabouts and 14 chains or thereabouts measured in a southerly direction from the junction of Strickland Lane with Leyland Road:

Leyland Road Widening No. 2.

(C) On the south-westerly side of Leyland Road and extending for adistance of 10·5 chains or thereabouts measured in a south-easterly direction from the junction of Marshall Brow with Leyland Road:

Leyland Road Widening No. 3.

(D) On the west side of Leyland Road between points respectively situate 3·75 chains or thereabouts and 8·5 chains or thereabouts measured in a north-westerly direction from the junction of New Lane with Leyland Road:

(E) On the east side of Leyland Road between points respectively situate 2·25 chains or thereabouts and 6·75 chains or thereabouts measured in a north-westerly direction from the junction of New Lane with Leyland Road:

Leyland Road Widening No. 4.

(F) On the west side of Leyland Road between points respectively situate 41·5 chains or thereabouts and 14·5 chains or thereabouts measured in a north-westerly direction from the junction of Bee Lane with Leyland Road:

(G) On the east side of Leyland Road between points respectively situate 41·5 chains or thereabouts and 16·5 chains or thereabouts measured in a north-westerly direction from the junction of Bee Lane with Leyland Road:

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Leyland Road Widening No. 5.

(H) On the west and south-westerly sides of Leyland Road and Watkin Lane between points respectively situate 14 chains or thereabouts measured in a north-westerly direction from the junction of Bee Lane with Leyland Road and a point opposite the junction of Cook Lane with Leyland Road:

(I) On the easterly and north-easterly sides of Leyland Road and Watkin Lane between points respectively situate 14 chains or thereabouts measured in a north-westerly direction from the junction of Bee Lane with Leyland Road and a point 4 chains or thereabouts north-west from the junction of Cook Lane with Leyland Road.

(2) In the parish and township of Walton-le-Dale:—

Watkin Lane Widening.

(A) On the east side of Watkin Lane between points respectively situate 4 chains or thereabouts north-west of the junction of Moss Lane with Watkin Lane and 2 chains or thereabouts measured in a north-westerly direction from the junction of Ward Street with Watkin Lane:

Resolution Bridge Widening.

(B) On the north-east side of Watkin Lane between points respectively situate 5·5 chains or thereabouts and 4·75 chains or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

(C) On the south-west side of Watkin Lane between points respectively situate 5·5 chains or thereabouts and 4·75 chains or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

Bamber Bridge Widening.

(D) On the north-westerly side of Wigan Road between points respectively situate: 9·5 chains or thereabouts and 7·75 chains or thereabouts measured in a south-westerly direction from the junction of West Street with Wigan Road:

(E) On the south-easterly side of Wigan Road between points respectively situate 9·5 chains or thereabouts and 7·75 chains or thereabouts measured in a south-westerly direction from the junction of West Street with Wigan Road:

Wigan Road Widening.

(F) On the north-westerly side of Wigan Road between points respectively situate 7·75 chains or thereabouts and 3·75 chains or thereabouts measured in a south-westerly direction from the junction of West Street with Wigan Road:

Chorley Road Widening.

(G) On the north-easterly side of Chorley Road between points respectively situate at the junction of Kellett Lane with Chorley Road and 22 chains or thereabouts measured in a south-easterly direction from that junction:

(H) On the south-easterly side of Chorley Road between points respectively situate at the junction of Kellett Lane with Chorley Road and 31 chains measured in a south-easterly direction from that junction.

(3) In the parish and township of Cuerden:—

Resolution Bridge Widening.

(A) On the north-easterly side of Watkin Lane between points respectively situate 5 chains or thereabouts and 3·25 chains or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

(B) On the south-westerly side of Watkin Lane between points respectively situate 5 chains or thereabouts and 3·25 chains or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

Watkin Lane and Lostock Lane Widening.

(c) On the north-easterly side of Watkin Lane between points respectively situate 4 chains or thereabouts and 0·5 chain or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

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(D) On the south-westerly side of Watkin Lane between points respectively situate 4 chains or thereabouts and 0·5 chain or thereabouts measured in a north-westerly direction from the junction of Lostock Lane with Watkin Lane:

(E) On the northerly side of Lostock Lane between points respectively situate 11 chains or thereabouts west of the junction of Moss Lane with Lostock Lane and 5·5 chains or thereabouts measured in a westerly direction from the junction of Wigan Road with Lostock Lane:

(F) On the southerly side of Lostock Lane between points respectively situate 11 chains or thereabouts west of the junction of Moss Lane with Lostock Lane and 6 chains or thereabouts measured in a westerly direction from the junction of Wigan Road with Lostock Lane:

Bamber Bridge Widening.

(G) On the north-westerly side of Wigan Road between points respectively situate 4·5 chains or thereabouts and 7·5 chains or thereabouts measured in a north-easterly direction from the junction of Lostock Lane with Wigan Road:

(H) On the south-easterly side of Wigan Road between points respectively situate 4·5 chains or thereabouts and 7·5 chains or thereabouts measured in a north-easterly direction from the junction of Lostock Lane with Wigan Road.

(4) In the parish and township of Anderton:—

Bolton Road Widening.

(A) On the south side of Bolton Road between points respectively situate 3 chains or thereabouts west and 7 chains or thereabouts east of the south-west corner of Roscoe House:

Millstone Embankment—Bolton Road Widening.

(B) On the south side of Bolton Road between points respectively situate 18 chains or thereabouts and 53 chains or thereabouts measured in a south-easterly direction from the junction of Grimeford Lane with Bolton Road:

Bolton Road Widening.

(c) On the south-westerly and north-easterly sides of Bolton Road between points respectively situate 12·5 chains or thereabouts and 2 chains or thereabouts measured in a north-westerly direction from the junction of Squirrel Lane with Bolton Road.

(5) In the parish and township and borough of Chorley :—

Birkacre Road Widening.

(A) On the east side of Birkacre Road between the junction of Moor Road with Birkacre Road and a point 33 chains or thereabouts measured in a southerly direction from the junction of the said roads :

(B) On the west side of Birkacre Road between the junction of Moor Road with Birkacre Road and a point 33 chains or thereabouts measured in a southerly direction from the junction of the said roads :

Birkacre Bridge Widening.

(c) On the south side of Birkacre Bridge between points respectively situate at the centre of Birkacre Bridge and 0·75 chain or thereabouts measured in an easterly direction :

(D) On the north side of Birkacre Bridge between points respectively situate at the centre of Birkacre Bridge and 0·75 chain or thereabouts measured in an easterly direction :

(6) In the parish and township of Coppull :—

Birkacre Bridge Widening.

(A) On the north side of Birkacre Road extending from the centre of Birkacre Bridge or thereabouts to a point 0·75 chain or thereabouts measured in a westerly direction :

(B) On the south side of Birkacre Road extending from the centre of Birkacre Bridge or thereabouts to a point 0·75 chain or thereabouts measured in a westerly direction :

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Birkacre Road and Spendmore Lane Widening.

(c) On the south-easterly side of Birkacre Brow extending from points respectively situate 26 chains or thereabouts west of the junction of Chapel Lane with Birkacre Brow and 4 chains or thereabouts north-east of the junction of Chapel Lane with Birkacre Brow:

(d) On the north-westerly side of Birkacre Brow extending from points respectively situate 26 chains or thereabouts north-west and 2 chains or thereabouts south-west from the junction of Chapel Lane with Birkacre Brow:

(e) On the south-easterly side of Spendmore Lane between points respectively situate 8 chains or thereabouts south-west of the junction of Chapel Lane with Spendmore Lane and 8 chains or thereabouts east of the junction of Spendmore Lane with Preston Road:

(f) On the north-westerly side of Spendmore Lane between a point situate 1 chain or thereabouts south-west of the junction of Chapel Lane with Spendmore Lane and the junction of Spendmore Lane with Preston Road:

Dark Lane Bridge Widening.

(g) On the east side of Preston Road between a point situate at the centre of Dark Lane Bridge or thereabouts and a point 0·75 chain or thereabouts measured in a northern direction from the centre of the said bridge:

(h) On the west side of the Preston Road between a point situate at the centre of Dark Lane Bridge or thereabouts and a point 0·75 chain or thereabouts measured in a northern direction from the centre of the said bridge.

(7) In the parish and township of Standish-with-Langtree:—

Dark Lane Bridge Widening.

(a) On the east side of Preston Road between a point situate at the centre of Dark Lane Bridge or thereabouts and a point 0·75 chain or thereabouts measured in a southerly direction from the centre of the said bridge:

(B) On the west side of Preston Road between a point situate at the centre of Dark Lane Bridge or thereabouts and a point 0·75 chain or thereabouts measured in a southerly direction from the centre of the said bridge:

Preston Road Widening No. 1.

(C) On the west side of Preston Road between points respectively situate 0·75 chain or thereabouts and 31 chains or thereabouts measured in a southerly direction from the centre of Dark Lane Bridge:

Preston Road Widening No. 2.

(D) On the westerly side of Preston Road between points respectively situate 16 chains or thereabouts and 0·5 chain or thereabouts measured in a northerly direction from the junction of Pepper Lane with Preston Road:

(E) On the easterly side of Preston Road between points respectively situate 16 chains or thereabouts and 0·25 chain or thereabouts measured in a northerly direction from the junction of Pepper Lane with Preston Road:

Preston Road Widening No. 3.

(F) On the easterly side of Preston Road between points respectively situate 27 chains or thereabouts and 18 chains or thereabouts measured in a northerly direction from the junction of Moore's Lane with Preston Road.

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

8. 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

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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 the 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.

9. 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.

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

10. And whereas in the construction of the tramways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder

of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1906.

Period for compulsory purchase of lands.

11. 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.

Powers of Acts of 1903 and 1904 for purchase of lands extended.

12. All the rights powers and authorities conferred upon the Company by the Acts of 1903 and 1904 for the compulsory purchase of lands shall be and the same are hereby extended and may be exercised by the Company for and during a period of three years from the passing of this Act and on the expiration of such extended period those powers shall cease.

Existing contracts and notices to take lands not to be affected.

13. The extension of time granted by this Act shall not affect any contract entered into or notice given by the Company before the passing of this Act for purchasing taking or using any lands which the Company were entitled to purchase take or use but every such contract and notice shall be construed and take effect and the same proceedings may be had thereunder and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity as if the extension of time had not been granted.

Construction and Maintenance Rates and Motive Power.

Period for completion of tramways and other works.

14. If the tramways and other works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Powers of Act of 1903 for completion of tramways and

15. The time limited by the Act of 1903 for the commencement and completion of the tramways and works authorised by that Act is hereby extended for a period of five years from the passing of this Act and if the said tramways and works

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works extended.

are not completed within the extended period limited by this Act then on the expiration of that period the powers by the Act of 1903 and this Act granted to the 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.

Tramways part of undertaking of Company.

16. The tramways shall be deemed to be part of the undertaking of the Company and the following sections of the Act of 1903 so far as they are applicable to the purposes of this Act shall apply mutatis mutandis to and in relation thereto and be deemed to be incorporated with and form part of this Act namely:—

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 22 (Crossovers to be constructed in certain cases):

Section 23 (Power to make additional crossovers and to double tramway lines):

Section 24 (Temporary tramways may be made where necessary):

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

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

Section 27 (Power to deviate):

Section 40 (For protection of colliery owners):

Section 42 (For protection of corporation of Liverpool):

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 working 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 60 (Attachment of brackets to buildings):
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):
Section 88 (As to purchase of undertaking).

Company may open tramways as and when completed.

17. Notwithstanding anything in the Acts of 1903 and 1904 or either of those Acts contained the Company may subject to the provisions of section 13 (Inspection by Board of Trade) of the Act of 1903 open for traffic any of the tramways by the Act of 1903 authorised or any part or parts thereof as and when the same respectively are completed, Provided that nothing herein contained shall authorise the Company to open for traffic Tramway No. 1 Tramway No. 3 or 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 until all rights of way over the existing level crossing at Bamber Bridge shall have been extinguished.

Abandonment of portion of authorised tramway.

18. The Company may abandon the construction of so much of Tramway No. 4 authorised by the Act of 1903 as lies between the points of commencement and termination of Tramway No. 1 by this Act authorised.

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As to construction of bridge over River Ribble and approaches thereto.

19.—(A) Whereas under the provisions of paragraph (A) of subsection (1) of section 34 of the Act of 1903 the agreement set forth in the Second Schedule to this Act has been entered into between the Company and the county council and it is expedient that such agreement should be confirmed Now therefore the agreement set out in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively and the same shall and may be carried into effect by the respective parties.

(B) Notwithstanding anything contained in the Act of 1903 or shown upon the deposited plans and sections relating to that Act the roads and bridge authorised by section 7 (Power to make roads and bridge) of that Act and so much of Tramway No. 4 by that Act authorised as lies between the junction of Leyland Road with Liverpool Road in the parish and township of Penwortham and the termination of the said tramway shall unless otherwise agreed with the county council and the corporation of Preston be constructed in accordance with the plan referred to in the said agreement contained in the Second Schedule to this Act and the sections shown on the said plan a copy of which plan and sections signed by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred has been deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons.

(C) For the purpose of and so far as may be necessary for carrying into effect the provisions of the said agreement scheduled to this Act the county council may exercise subject to the provisions of the Act of 1903 all or any of the powers conferred upon the Company by that Act as varied and extended by this Act with reference to the construction and maintenance of the roads and bridge by the Act of 1903 authorised including the power to deviate therein contained.

(D) The said bridge and roads if and when constructed by the county council shall thereupon become vested in and belong to the county council and the roads shall be main roads within the meaning of the Local Government (England and Wales) Act 1888 and the structure of the said bridge shall be maintained and repaired by the county council and the corporation of Preston in such proportion as they shall agree.

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(E) In case the county council do not give notice of their desire to construct or do not commence the construction of the bridge and roads as described and provided in the said agreement scheduled hereto the powers given to the county council under the said agreement shall cease and the Company may construct a bridge over the River Ribble and approach roads thereto in the position and direction shown on the said plan but the placing of piers in the tidal way of the said river and the clear headway to be given under the said bridge shall be settled by arrangement with the corporation of Preston or in the event of failure to agree shall be referred to the arbitration of the Board of Trade Provided that the centre line of the said bridge and approach roads and of so much of Tramway No. 4 as aforesaid shall follow the centre line shown on the plan referred to in the said agreement and no deviation from that line shall be made without the consent of the corporation of Preston but notwithstanding anything shown on the said plan and sections the Company shall not be bound to construct the said bridge and approach roads of any greater dimensions than may be necessary for constructing maintaining and working their tramway thereon.

(F) The county council may for the purposes of and in connexion with the construction of the said bridge and roads borrow in accordance with the provisions of subsection (2) of section 34 of the Act of 1903 on security of the county fund such sums as may be necessary Provided that the sanction of the Local Government Board shall only be required to the borrowing by the county council under the powers conferred on them by this subsection and section 34 of the Act of 1903 of any sum that may be necessary for the purposes aforesaid in excess of the sum of fifteen thousand pounds such sum of fifteen thousand pounds to be repaid within a period of thirty years from the date of borrowing The annual sum required to meet the interest on and repayment of the money so borrowed and the maintenance of the said bridge and roads may be charged as general county purposes or as special county purposes chargeable on one hundred or two or more hundreds or partly in one way and partly in another as the county council may decide.

(G) The instalments of the sum of twenty thousand pounds payable to the county council under the said agreement scheduled

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to this Act shall be applied by them towards the cost of erecting and making the said bridge and roads.

(H) The reference to Plan No. 6 in subsection (17) of section 35 of the Act of 1903 shall be construed to mean the plan referred to in the agreement set forth in the Second Schedule to this Act and paragraphs (A) (B) (C) (D) and (E) of subsection (18) of section 35 of the Act of 1903 are hereby repealed.

Return to Local Government Board as to repayment of debt.

20.—(1) The clerk to the county 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 the clerk to the county council 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 clerk to the county council 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 county 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.

For protection of mayor aldermen and burgesses of borough of Chorley.

21. Subject to the provisions of this Act and unless otherwise agreed between the mayor aldermen and burgesses of the borough of Chorley (herein-after called "the corporation of Chorley") and the Company in writing under their respective common seals the following provisions shall have effect namely:—

(1) The Company shall not complete and open for traffic the portion of Tramway No. 5 by the Act of 1903 authorised between the Old Oak Tree Inn in the parish of Coppull and the termination of that tramway unless at the same time they shall complete and open the said tramway between the commencement thereof and the Old Oak Tree Inn aforesaid:

(2) The Company shall place and maintain one incandescent lamp (electric or gas) of sixteen candle power or two incandescent lamps (electric or gas) of eight candle power each upon such of the posts or standards erected by the Company in Birkacre Road and any other part of the route where in consequence of the execution of the works of the Company any increased lighting is rendered necessary within the borough of Chorley as the corporation of Chorley may require and shall keep such lamps efficiently lighted as provided by subsection (20) of section 35 of the Act of 1903 Provided that the Company shall not be compelled to place such lamps at any less distance than fifty yards apart:

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(3) The Company shall not be compelled to place maintain or light any lamps on any posts standards or pillars in the borough of Chorley other than those provided for in the last preceding subsection:

(4) Subsection (5) of section 36 of the Act of 1903 shall apply to any dispute or difference that may arise between the Company and the corporation of Chorley under this section:

(5) If the Company fail to comply with any provisions in this section contained they shall be liable to a penalty of five pounds per day for each day upon which such failure shall occur to be recoverable as liquidated damages by the corporation of Chorley.

For protection of rural district council of Chorley.

22. For the protection and benefit of the Chorley Rural District Council (herein-after called "the Chorley District Council") the following provisions shall apply and have effect namely:—

(1) The Company shall not complete and open for traffic the portion of Tramway No. 5 by the Act of 1903 authorised between the Old Oak Tree Inn in the parish of Coppull and the termination of that tramway unless at the same time they shall complete and open the said tramway between the commencement thereof and the Old Oak Tree Inn aforesaid:

(2) The Company shall place and maintain one incandescent lamp (electric or gas) of sixteen candle power or two incandescent lamps (electric or gas) of eight candle power each upon such of the posts or standards erected by the Company in Birkacre Brow and Spendmore Lane and any other part of the route where in consequence of the execution of the works of the Company any increased lighting is rendered necessary within the rural district of Chorley as the Chorley District Council may require and shall keep such lamps efficiently lighted as provided by subsection (20) of section 35 of the Act of 1903 Provided that the Company shall not be compelled to place such lamps at any less distance than fifty yards apart:

(3) The Company shall not be compelled to place maintain or light any lamps on any posts standards or pillars in the rural district of Chorley other than those provided for in the last preceding subsection:

(4) Any question which may arise between the Chorley District Council and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration:

(5) If the Company fail to comply with any provisions in this section contained they shall be liable to a penalty of five pounds per day for each day upon which such failure shall occur to be recoverable as liquidated damages by the Chorley District Council.

For protection of urban district council of Standish-with-Langtree.

23. For the protection and benefit of the Standish-with-Langtree Urban District Council (herein-after called "the Standish Council") the following provisions shall apply and have effect namely:—

(1) The Company shall complete and open for traffic so much of Tramway No. 5 authorised by the Act of 1903 as extends from the commencement thereof as shown on the deposited plans referred to in the Act of 1903 to the Old Oak Tree Inn in the parish of Coppull at the same time as the portion of the said tramway from the Old Oak Tree Inn to the termination of the said tramway is completed and opened for traffic:

(2) The Company shall place and maintain one incandescent lamp (electric or gas) of sixteen candle power upon such of the posts or standards erected by the Company from the termination of the said Tramway No. 5 to Dark Lane Bridge within the urban district of Standish-with-Langtree as the Standish Council shall require and shall keep such lamps efficiently lighted as provided by subsection (20) of section 35 of the Act of 1903 Provided that the Company shall not be compelled to place such lamps at any less distance than fifty yards apart:

(3) The Company shall not be compelled to place maintain or light any lamps on any posts standards or pillars

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in the urban district of Standish-with-Langtree other than those provided for in the last preceding subsection:

(4) Save as is provided in the section of this Act whereof the marginal note is (Amending subsection (22) of section 35 of Act of 1903) nothing in this Act contained shall prejudice or affect the rights of the Standish Council as to paving the portion of roadway on which the tramways are laid within the urban district of Standish-with-Langtree:

(5) Subsection (35) of section 35 of the Act of 1903 shall apply to any difference that may arise between the Company and the Standish Council under this section:

(6) If the Company fail to comply with any provisions in this section contained they shall be liable to a penalty of five pounds per day for each day upon which such failure shall occur to be recoverable by the Standish Council as liquidated damages.

For protection of corporation of Manchester.

24.—(1) Section 38 of the Act of 1903 (For protection of corporation of Manchester) shall extend and apply to and in respect of any works which may be executed by the Company in the lands in the township of Anderton which the Company are empowered to take and use under the powers of this Act.

(2) Nothing in the Act of 1903 or this Act shall prejudice limit or interfere with the rights of the corporation of Manchester of access to and continuing maintaining repairing renewing and using their Thirlmere aqueduct under any road widened or lands acquired under the powers of the Act of 1903 and this Act and no works (other than works required for laying down maintaining and working tramways in any road) or buildings shall be erected or made over the said aqueduct.

For protection of Geo. and R. Dewhurst Limited.

25. For the protection of Geo. and R. Dewhurst Limited owners or reputed owners of the Lostock Hall Estate and of the Cuerden Mill in the parishes and townships of Cuerden and Walton-le-Dale (who and whose successors in estate and assigns owners for the time being of the said estate and mill are herein-after referred to as "the owners") the following provisions shall apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not purchase acquire or interfere with any portion of the property of the owners situate on the northerly side of Lostock Lane:

(2) If in the widening of Wigan Road it shall become necessary to interfere with the entrance and approach road from the main road to the said Cuerden Mill the Company shall restore the said entrance and approach road to as good a condition with regard to width levels and surface and in all other respects as at present and during the construction of the said works or at any time thereafter the Company shall on no occasion stop prevent or interfere with the traffic upon the said entrance and approach road to and from the said mill Any works or operations of the Company interfering with the said entrance and approach road shall be carried out in all respects to the reasonable satisfaction of the owners' surveyor and in accordance with plans and specifications to be previously submitted to and to be reasonably approved by the said surveyor and the Company shall pay the reasonable and proper charges of such surveyor in connexion with such works and approval:

(3) The Company shall not interfere with or in any way interrupt the free flow of the water in the mill goit and River Lostock nor shall they do anything likely to diminish the volume of water in the said goit and river:

(4) Any question which may arise between the owners and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration under this Act.

For protection of Lancashire and Yorkshire Railway Company.

26. For the protection of the Lancashire and Yorkshire Railway Company (herein-after called "the Lancashire Company") the following provisions shall have effect namely:—

(1) In constructing the works referred to in subsection (6) of section 45 (For protection of Lancashire and Yorkshire Railway Company) of the Act of 1903 the Company shall not without the consent of

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the Lancashire Company curtail to any extent the existing sidings of the Lancashire Company but shall construct such retaining walls or other works as may be found necessary to obviate any such curtailment and to provide the width of roadway prescribed in the said section nor shall they increase the gradients of the existing approach roads to the goods stations of the Lancashire Company without such consent as aforesaid:

(2) Any works constructed by the Company under this section shall be maintained by the Company to the reasonable satisfaction of the engineer of the Lancashire Company and shall for all purposes be deemed to form part of the works to be executed under the said section 45:

(3) The provisions of subsection (6) of the said section 45 (For protection of Lancashire and Yorkshire Railway Company) shall remain in force and be binding on the Company and the Lancashire Company and notwithstanding anything in this Act contained the Company shall not be entitled to enter upon take or use any of the lands belonging to the Lancashire Company abutting upon the road between the points referred to in that subsection otherwise than in accordance with the provisions of that subsection as varied by this section.

For protection of Lancashire and Yorkshire and London and North Western Railway Companies.

27.—(1) In carrying out the widening of Leyland Road authorised by this Act the Company shall acquire only so much of the joint lands and property of the Lancashire and Yorkshire and London and North Western Railway Companies (hereinafter referred to as "the joint companies") numbered 170 172 186 and 187 in the parish and township of Penwortham as is absolutely necessary for widening such road to a width of not exceeding forty feet and in the position shown on the deposited plans.

(2) When and so soon as the Company commence to construct the said widening of Leyland Road as aforesaid upon the said lands and property of the joint companies they shall if so required by the joint companies construct to the reasonable satisfaction of the engineer of the joint companies suitable

walls or fences of such dimensions material and design as shall be reasonably approved by such engineer for the purpose of separating the said lands and property from the other adjoining lands and property of the joint companies. A.D. 1906.

(3) If any question arises between the Company and the joint companies under this section such question shall be determined by arbitration under this Act.

For protection of London and North Western Railway Company.

28. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the North Western Company") shall unless otherwise agreed with the North Western Company apply and have effect:—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company in carrying out the widening of Spendmore Lane shall not without the previous consent of the North Western Company under their common seal enter upon take or use any of the lands or property of the North Western Company except so much as may be absolutely necessary for widening such road to a width of not exceeding forty feet and in the position shown on the deposited plans and in addition to the land of the North Western Company so agreed to be purchased the Company shall also acquire the severance of the properties marked 57 60 and 62 on the deposited plans on the north-west side of the said widened road if so required by the North Western Company:

(2) When and so soon as the Company commence to construct the proposed widening of Spendmore Lane upon the said lands and property of the North Western Company the Company shall if so required by the North Western Company construct to the reasonable satisfaction of the principal engineer of the North Western Company suitable walls or fences of such dimensions material and design as shall be reasonably approved by such principal engineer for the purpose of separating the said lands and property from the other adjoining lands and property of the North Western Company:

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(3) All works rendered necessary by the widening of Spendmore Lane as aforesaid alongside the railways lands and works of the North Western Company or which will otherwise interfere with the same shall be executed according to plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer and all such works shall be executed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the said principal engineer and all reasonable costs charges and expenses which the North Western Company may be put to by reason of the works of the Company whether in the execution or maintenance of the works or the superintendence thereof shall be paid to the North Western Company by the Company on demand:

(4) The Company shall not in any way vary alter or interfere with the structure of the bridge carrying the railway of the North Western Company over Spendmore Lane and shall not injuriously affect the same:

(5) In the event of any injury being caused to such bridge by the construction maintenance repairing use or removal of any of the works by this Act authorised the North Western Company may at the expense of the Company make good such injury and restore such part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned:

(6) During the construction of the said works and the widening of Spendmore Lane as aforesaid the Company shall if so required by the North Western Company bear and on demand pay to the North Western Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all inter-

ference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:

(7) If any question arises between the Company and the North Western Company under this section such question shall be determined by arbitration under this Act.

For protection of National Telephone Company Limited.

29. Before altering or otherwise interfering with any wires or apparatus of the National Telephone Company Limited in the construction of the widenings of roads authorised by this Act and required by the Act of 1903 or interrupting telephonic communication through such wires and apparatus the Company shall at their own expense provide substituted wires and apparatus to the satisfaction of the National Telephone Company Limited and shall make compensation for all loss or injury which that company may sustain in consequence of the said street widenings.

For protection of corporation of Liverpool.

30.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not without the previous consent in writing of the mayor aldermen and citizens of the city of Liverpool (herein-after in this section called "the corporation") under their corporate seal enter upon take or use any of the lands or property belonging to the corporation and delineated on the deposited plans (Sheet No. 5) and described in the deposited book of reference (page 48) under the heading of "Millstone Embankment Bolton Road widening" as No. 4 in the parish and township of Anderton or any of the lands delineated on the deposited plans (Sheet No. 5) under the heading of "Bolton Road Widening" and described in the deposited book of reference (page 50) under the heading of "Bolton Road Widening No. 2" and numbered on the said plans and in the said book of reference respectively 5 6 7 and 8 in the said parish and township of Anderton.

(2) 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 the powers conferred by this Act shall be carried out by the corporation at the expense of the Company.

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For protection of Birkacre Colliery Company Limited.

31. Notwithstanding anything contained in this Act or in the Act of 1903 the following provisions for the protection and benefit of the Birkacre Colliery Company Limited (in this section called "the Colliery Company") shall except so far as may be otherwise agreed between the Colliery Company and the Company apply and have effect (that is to say):—

(1) The Company shall not enter upon take or use any of the lands belonging to the Colliery Companysituate on the south-easterly side of Birkacre Brow and numbered 80 81 and 81A on the deposited plans in respect of the township of Coppull:

(2) The tramway proposed to be constructed along Birkacre Brow where the same adjoins the said lands numbered 80 shall if and so far as practicable having regard to the provisions of the Act of 1903 and subject to the approval of the county surveyor be constructed on the north-westerly side of the road.

MISCELLANEOUS.

Extension of powers of county surveyor and county bridgemaster.

32. Notwithstanding anything contained in section 35 of the Act of 1903 it shall be lawful for the county surveyor or the county bridgemaster (as the case may be) to grant exemption under subsections (1) and (3) of that section in any case in which they or either of them may in the exercise of their discretion consider that such exemption may be granted.

Amendment of subsection (20) of section 35 of Act of 1903.

33. The lamps referred to in subsection (20) of section 35 of the Act of 1903 and in this Act shall be one gas or electric incandescent lamp of sixteen candle power or two gas or electric incandescent lamps of eight candle power each upon each post standard or pillar on which the Company shall be required under the provisions of the said subsection to place lamps and such lamps shall be required in such part only of any road in which there are continuous buildings on both sides thereof and in which there are no street lamps Provided that in the event of any post standard or pillar being erected by the Company in the roadway of any road a lamp or lamps as aforesaid shall if required by the local authority be placed upon such post standard or pillar.

Purposes for which tramways may be used.

34. Notwithstanding anything in section 48 of the Act of 1903 contained it shall be lawful for the Company with the

consent of the Board of Trade and of the Lancashire and Yorkshire Railway Company and of the London and North Western Railway Company and of the local and road authority in any district to use the tramways authorised by the Act of 1903 and this Act in any such district for the carriage thereon of goods coal minerals and merchandise between any collieries and works situate upon or near the line of the said tramways or any of them and any railway station or wharf belonging to the Lancashire and Yorkshire Railway Company or the London and North Western Railway Company or belonging jointly to those companies and with the like consents and for the purposes of such traffic to make maintain and work such sidings junctions and other works to and from and in connexion with their said tramways as may be necessary or convenient for the purpose of accommodating any such traffic Provided that the provisions of subsection (3) of section 23 of the Act of 1903 shall apply to any such sidings junctions or other works.

Rates for animals goods &c.

35. Subject to the provisions of the last preceding section the Company may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the tramways including every expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company and any expense incurred by them in the construction of sidings junctions and other works provided for in the last preceding section) any rates or charges not exceeding the rates per mile following :—

Animals.

In respect of animals conveyed on the tramways :—

For every horse mule or other beast of draught or burden fourpence :

For every ox cow bull or head of cattle threepence :

For every calf pig sheep or small animal one penny halfpenny.

Goods.

In respect of goods conveyed on the tramways :—

For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton twopence :

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For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway tramroad or tramway chairs pipes tubes and plates per ton twopence halfpenny:

For all sugar grain corn flour hides dyewoods timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence:

For cotton wools drugs manufactured goods earthenware and all other wares merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton fourpence:

For every carriage of whatever description one shilling:

Rates for small parcels and single articles of great weight.

For any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight such sum as the Company may think fit:

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet:

Provided also that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile:

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Company may think fit.

Regulations as to rates on tramways.

For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles.

A fraction of a mile beyond the integral number of miles shall be deemed a mile.

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

Variation of subsection (4) of section 35 of Act of 1903.

36. The Company and any road authority in whose district any tramway authorised by the Act of 1903 or by this Act is laid may notwithstanding anything contained in subsection (4) of section 35 of the Act of 1903 agree as to the mode in which the portion of road therein referred to shall be made up and maintained and compliance by the Company with the terms of any such agreement shall be deemed a compliance with the provisions of subsection (4) of section 35 of the Act of 1903.

Amending subsection (22) of section 35 of Act of 1903.

37. Subsection (22) of section 35 of the Act of 1903 shall be read and have effect as if the following proviso were therein contained namely Provided that the provisions of this subsection shall not apply till after the expiration of five years from the date of the completion of the tramways in any such road.

Extending provisions of section 30 of Tramways Act 1870.

38. Section 65 (Apparatus used for mechanical power to be deemed part of tramway) of the Act of 1903 shall in its application to the undertaking of the Company be read and have effect as if section 30 of the Tramways Act 1870 included wires or apparatus erected or carried over a street road or footpath as well as wires or apparatus laid in a road.

Company may apply existing funds.

39. 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.

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Agreements with road authority.

40.—(1) The Company may subject to the provisions of this Act enter into agreements with the road authority with respect to the construction of the new road and the widening and reconstruction of bridges by this Act authorised and the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which the tramways are intended to be laid or any part thereof.

(2) The Company may enter into and carry into effect agreements with the road authority with respect to the cost of constructing the new road by this Act authorised and the widening and improving by the road authority of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contribution by the Company towards the moneys to be expended on such works and the payment of any sums payable under this section by the Company to the road authority shall be deemed a purpose of this Act to which capital is properly applicable.

Applying sections 86 and 88 of Act of 1903.

41. The provisions of section 86 (Local and road authorities may use tramways for certain purposes) and of section 88 (As to purchase of undertaking) of the Act of 1903 shall apply to the tramways.

Arbitration.

42. Any question which under this Act is to be determined by arbitration or any other question arising under this Act between the Company and any local or road authority shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Provision as to general Tramway Acts.

43. Nothing in this Act contained shall exempt the Company or the 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.

44. 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1906.

THE FIRST SCHEDULE.

Houses Buildings or Manufactories of which Portion only may be required.

Parish or Township.	Numbers on deposited Plans.
Penwortham - - -	49 131 132 133 134 137 138 139 140 166 167 168 169 187 218 and 219.
Walton-le-Dale (Watkin Lane Widening).	3 4 and 5.
Walton-le-Dale (Resolution Bridge Widening).	23.
Cuerden - - - -	7 52 53 54 and 55.
Chorley - - - -	2 4 and 5.
Coppull - - - -	12 32 33 34 36 37 38 39 40 41 42 43 44 45 46 48 49 50 51 52 53 54 55 56 76 77 86 87 88 and 90.
Standish-with-Langtree - -	33A 34 and 36.

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THE SECOND SCHEDULE.

THIS INDENTURE made the thirtieth day of March one thousand nine hundred and six between the COUNTY COUNCIL FOR THE ADMINISTRATIVE COUNTY OF THE COUNTY PALATINE of LANCASTER (herein-after called "the Council") under their common seal of the one part and the PRESTON CHORLEY AND HORWICH TRAMWAYS COMPANY (herein-after called "the Company") under their common seal of the other part.

WHEREAS the Company are incorporated by the Preston Chorley and Horwich Tramways Act 1903 (herein-after referred to as "the Act of 1903") and are by that Act authorised and empowered subject to the provisions of that Act to construct maintain and work the tramways and works in section 6 (Power to make tramways and other works) of that Act particularly described and set forth:

And whereas by section 7 (Power to make roads and bridge) of the Act of 1903 the Company are authorised and empowered subject to the provisions of that Act to make form use and maintain the roads and bridge particularly described and set forth in that section:

And whereas by section 34 (Power to enter into agreements with the County Council and Preston Corporation) of the Act of 1903 the Company are authorised to enter into and carry into effect agreements with the County Council and the corporation of Preston or either of them with reference to the construction maintenance and use of the said bridge and roads or any part or parts thereof respectively and of any works connected therewith respectively or any of them and the acquisition and appropriation of lands and property for the purposes of the works by the Act of 1903 authorised and the contribution of funds for the above purposes or any of them and any incidental matters and provision was by the said last-mentioned section made for raising funds by the Council and the corporation of Preston for the purposes of the said last-mentioned section:

And whereas by section 35 (For the protection of the Lancashire County Council and other local authorities) of the Act of 1903 certain provisions were enacted for the protection of the Council and other local authorities through whose respective districts the tramways so authorised as aforesaid are intended to pass:

And whereas by subsection (18) of section 35 of the Act of 1903 it was provided (inter alia) as follows :—

(A) If the County Council desire that the bridge across the River Ribble by this Act authorised shall be made so as to accommodate ordinary traffic as well as the tramways then such bridge shall be constructed by the County Council according to such plans and designs as they may think fit subject to all reasonable requirements of the Company being complied with to allow for the proper construction of the tramways and in such case the Company shall contribute the sum of twenty-eight thousand pounds towards the cost of constructing such bridge and the remainder of the cost shall be provided by the County Council and the corporation of Preston in such proportions as they may agree upon provided that the County Council shall signify in writing to the Company their intention so to construct the said bridge within twelve months from the passing of this Act :

(D) If the County Council do not signify their intention to construct such works then the Company may construct a bridge in the position shown on Plan No. 6 referred to in subsection (17) of this section but the placing of piers in the tidal way of the bridge and the clear headway to be given under the bridge shall be settled by arrangement with the corporation of Preston or in the event of failure to agree shall be referred to the arbitration of the Board of Trade and the approach roads to such bridge shall be constructed in the lines and on the levels shown on such plan :

And whereas the period of twelve months within which the Council were to give notice of their intention so to construct expired on the fourteenth day of August one thousand nine hundred and four and the Council did not within such period give such notice as aforesaid nor have the Company exercised any of the powers for constructing a bridge and approaches thereto in accordance with the provisions of paragraph (D) of the said subsection (18) of section 35 of the Act of 1903 :

And whereas the Council are still desirous that the said bridge should be constructed so as to accommodate ordinary traffic as well as the tramways and the Company are desirous of obtaining further time for the construction of the works authorised by the said Act :

And whereas the Company are promoting a Bill in Parliament in the ensuing session entitled "A Bill to authorise the Preston Chorley and "Horwich Tramways Company to acquire lands for road widenings to "abandon a portion of their authorised tramways and to construct other "works in lieu thereof to extend the period limited for construction of works "and land purchases to authorise the Corporation of Wigan to purchase "portions of tramways and for other purposes" for the purpose (inter alia) of modifying in certain particulars the provisions of the said section 35 of the Act of 1903 :

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Now it is hereby agreed between the County Council and the Company that in consideration of the County Council refraining from opposing the said Bill the following provisions shall have effect in lieu of paragraphs (A) (B) (C) and (D) of subsection (18) of section 35 of the said Act:—

1. Before commencing the construction of any bridge over the Ribble or of Tramway No. 4 authorised by the Act of 1903 the Company shall give notice in writing of their intention so to do to the Council and shall either deposit the sum of twenty thousand pounds in a bank to the joint credit of the Company and the Council or with the sanction of the Council in lieu of depositing the money give such security for the due payment thereof as may be satisfactory to the Council and if within six months from such deposit or security being made or given the Council give notice in writing to the Company of their desire to construct the said bridge and approach roads so as to accommodate ordinary traffic as well as the tramways the Council shall without unnecessary delay commence the construction thereof in accordance with the plan signed in duplicate by the county bridgemaster and the engineer of the Company and one copy of which plan has been deposited with the clerk of the peace for the county palatine of Lancaster and the other copy of which plan has been retained by the Company and in constructing the said bridge and roads the Council shall comply with all the reasonable requirements of the Company for the proper construction and working of the tramways thereover and with the provisions of subsection (4) of section 39 (For protection of the Preston Gas Company) of the Act of 1903 and shall complete and open the same for public use and traffic within a period of two years from the date of such deposit being made or security given as aforesaid and in the construction of the said bridge whether carried out by the Council or as herein-after mentioned by the Company provision shall be made for a chase or conduit under the north footpath of the said bridge not less than two feet wide and two feet deep and the corporation of Preston shall have the right to lay and maintain their water mains and pipes in such chase or conduit.

2.—(*a*) The sum of twenty thousand pounds shall be paid in instalments to the Council as the erection of the said bridge and the construction of the said approach roads proceed at such times and in such manner as shall be agreed upon or failing agreement as shall be settled by the Board of Trade.

(*b*) Nothing in this agreement shall place any liability or obligation on the Council to construct such bridge and approach roads unless such deposit shall have been made or security given as aforesaid.

3. The Council shall construct the said bridge and roads and the roadway thereof respectively of sufficient width to allow of a double line of tramway being constructed and worked thereon and such construction shall include all necessary concrete and paving requisite for the laying and

construction of the tramways thereon The construction of the tramways upon and over the said bridge and roads shall as far as possible be contemporaneous with the construction and formation of the said bridge and roads and the Company shall be entitled to lay those tramways and shall be required so to do on receiving notice from the Council upon the concrete bed in the roadway of the said bridge and roads as soon as the said concrete bed shall have been laid and is ready for the tramways and as soon as the said tramways are so laid the Council shall complete the paving of the roadway of the said bridge and roads including the portion on which the said tramways are laid and the Company shall then be entitled subject to the approval of the Board of Trade to work their tramways thereon and thereover whether the said bridge and roads are actually open for public traffic or not and the Company may if they so desire open and work any portion of Tramway No. 4 authorised by the Act of 1903 immediately on their obtaining the certificate of the Board of Trade that the same is completed and fit for public traffic.

4. The provisions of paragraph (F) of subsection (18) of section 35 of the Act of 1903 shall apply to the said bridge and roads herein-before referred to in this agreement when completed.

5. The Company may erect and construct maintain and use in or upon any part of the said approach roads and bridge all such standards posts pillars or other works and apparatus as may be necessary or convenient for working the tramways by electrical energy and in connexion with their other tramways and such construction and maintenance shall be carried out to the reasonable satisfaction of the county surveyor as regards the said roads and of the county bridgemaster as regards the said bridge and one hundred yards of road on each side of the centre of the bridge.

6. If the Council shall fail within the said period of six months to give notice of their intention to commence the construction of the said roads and bridge according to the said plan herein-before referred to or to commence the same in accordance with the provisions of this agreement the said sum of twenty thousand pounds so deposited as aforesaid shall be forthwith repaid to the Company together with all interest (if any) that may have accrued thereon or as the case may be the security given for the same shall be void and of no effect.

7. If any dispute or difference shall arise between the Council and the Company touching anything referred to in this indenture the same shall be determined and settled by arbitration in manner provided by section 89 of the Act of 1903.

8. This indenture shall be scheduled to the said Bill now being promoted by the Company in the ensuing session of Parliament and shall be subject to the approval of Parliament but if any alteration is made therein to which the County Council do not consent the Company shall not proceed with their Bill.

A.D. 1906. In witness whereof the Council and the Company have respectively caused their common seals to be hereunto affixed the day and year first before written.

The common seal of the County Council of the County Palatine of Lancaster was hereunto affixed pursuant to a resolution of the said Council in the presence of— L.S.

HARCOURT E. CLARE
Clerk of the County Council.

Sealed with the common seal of the Preston Chorley and Horwich Tramways Company in the presence of— L.S.

Directors { WILLIAM A. MITCHELL.
A. COTTERELL TUPP.

Secretary A. HEPBURN.

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