CHAPTER clviii.

An Act to authorise the South Lancashire Tramways Company to construct additional tramways and other works and to extend the time for taking lands and for the construction and completion of certain authorised tramways and widenings and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the South Lancashire Tramways Company (in this Act called "the Company") were incorporated by the South Lancashire Tramways Act 1900 (hereinafter called "the Act of 1900") and were authorised to make and maintain certain tramways and street improvements in the county palatine of Lancaster and to raise capital for the purpose:

And whereas by the South Lancashire Tramways Act 1901 (hereinafter called "the Act of 1901") the Company were empowered to construct further tramways and improvements in connection with those authorised by the Act of 1900 and to raise additional capital for the purpose and the Act of 1900 was amended:

And whereas no money has been borrowed by the Company under the Acts of 1900 and 1901:

And whereas the principal tramways authorised by the Acts of 1900 and 1901 have been constructed and opened for traffic but it has been found impossible on account of the restrictions contained in the Act of 1900 to construct the remainder and it is therefore expedient to amend or repeal certain sections of the Act of 1900 in manner hereinafter mentioned:

And whereas it is expedient that the Company should be empowered to construct the additional tramways and to reconstruct and adapt for electrical working certain other tramways in this Act described so as to permit the whole to be worked as one system and

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to raise additional capital for the purpose and for the general purposes of their undertaking:

And whereas it is expedient that the periods limited by the Acts of 1900 and 1901 for the taking of lands and for the construction and completion of such of the tramways as are not opened for traffic and for the street widenings and works described in those Acts should be extended as by this Act provided and that the other powers in this Act mentioned or referred to should be conferred upon the Company and that the Act of 1900 and the Act of 1901 should be amended as in this Act provided:

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

And whereas the objects aforesaid 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 (that is to say):—

Short title and construction.

1. This Act may be cited for all purposes as the South Lancashire Tramways Act 1903 and the Act of 1900 the Act of 1901 and this Act may be construed together as one Act and the three Acts may be jointly cited as the South Lancashire Tramways Acts 1900 to 1903 and expressions used in this Act shall have the same meaning as in the Act of 1900 and in the Act of 1901 save that "the tramway" or "the extension tramway" means the tramways authorised by this Act.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

(1) The Lands Clauses Acts:

(2) The provisions of the Companies Clauses Consolidation Act 1845 as amended by subsequent Acts with respect to the following matters (namely):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares ;
The payment of subscriptions and the means of enforcing the payment of calls ;
The forfeiture of shares for nonpayment of calls ;
The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of the borrowed money into capital ;
The consolidation of the shares into stock ;
The general meetings of the Company and the exercise of the right of voting by the shareholders ;
The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to the special Act :

(3) Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 :

(4) Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870.

Power to make additional tramways and other works.

3. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the additional tramways and other works hereinafter described with all proper rails plates junctions crossings passing places sidings posts tubes wires apparatus depôts stations waiting rooms car sheds buildings works and conveniences connected therewith as may be necessary or proper therefor.

The additional tramways and other works hereinbefore referred to and authorised by this Act will be wholly situate in the county palatine of Lancaster and are—

Tramway No. 1 being two portions of a tramway to be situated in the urban district of Hindley in the parish of Hindley the first of such portions being a double line 2 chains or thereabouts in length commencing in Stony Lane (otherwise Liverpool Road) by a junction with the existing Tramway No. 16 authorised by the Act of 1900 and terminating at the southern end of Market Street at a point 44 yards measured in a southerly direction from Frederick Street and the second of such portions (12 chains or thereabouts in length

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whereof 7·15 chains or thereabouts will be single line and 4·85 chains or thereabouts double line) commencing in Market Street at a point 22 yards measured in a westerly direction from Carr Street and passing in an easterly direction along a portion of Market Street and along Bridge Street and terminating in Castle Hill Road by a junction with Tramway No. 19 authorised by the Act of 1900:

Tramway No. 1A (1·60 chains or thereabouts in length double line) to be situate in the urban district and parish of Hindley commencing by a junction with the existing tramway in Atherton Road being No. 17 in the South Lancashire Tramways Act 1900 and terminating in Market Street by a junction with Tramway No. 1:

Tramway No. 2 (2 furlongs 9·20 chains or thereabouts in length whereof 2 furlongs 1 chain will be single line and 8 chains or thereabouts double line) to be situate in the urban district and parish of Hindley commencing in Market Street by a junction with Tramway No. 1 passing in a northerly direction along Ladies Lane and terminating at a point 1·20 chains or thereabouts measured in a southerly direction from the centre of the bridge over the Lancashire and Yorkshire Railway at Hindley Station:

Tramway No. 2A (1·75 chains or thereabouts in length single line) situate in the urban district and parish of Hindley and commencing in Ladies Lane by a junction with Tramway No. 2 and terminating in Bridge Street by a junction with Tramway No. 1.

The before-mentioned tramways or one of them will be constructed or laid along streets and roads in the parish and urban district of Hindley in the county palatine of Lancaster.

Adaptation of tramways in Hindley district for electrical working.

4. The Company may by agreement purchase or take on lease from the urban district council of Hindley the existing tramways in Market Street and Bridge Street and Ladies Lane in the urban district and parish of Hindley from the junction of Market Street with Wigan Road to their termini in Bridge Street at a point 1·20 chains or thereabouts west of Carr Street and in Ladies Lane at a point 2·40 chains or thereabouts south of Haworth Street and may also by agreement purchase or take on lease any land and buildings used as a car shed in connection with such tramways together with any conveniences or accesses in connection therewith and may enter into agreements with the urban district council of Hindley for such purposes and subject to the approval of the urban

district council of Hindley may make such alterations in the tramways accesses and conveniences so purchased or leased (including in the case of the tramways the laying down of a double line instead of a single line and the laying down alongside of an additional rail for the whole or any part of the length of such tramways or the substitution of the standard gauge for the three feet six inches gauge) as they may deem proper for the purpose of adapting the same for working by electrical traction and use respectively in connection with the other tramways of the Company and may sell or let on lease such land and buildings.

Incorporating provisions of Acts of 1900 and 1901.

5. The sections hereinafter referred to of the Act of 1900 and of the Act of 1901 (so far as any of such sections are not altered or repealed by this Act) are hereby incorporated with this Act but shall extend and apply only to the additional tramways and works and to the Company in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say) :—

Provided that in applying the provisions of section 69 of the Act of 1900 to the tramways authorised by this Act such provisions shall extend not only to lands acquired under this Act but also to lands acquired under the powers of any former Act revived or extended by this Act :

Act of 1900—

Section 13 (Company not to create debenture stock) :
Section 22 (Inspection by Board of Trade) :
Section 23 (Tramways to be kept on level of surface of road) :
Section 24 (Plan of proposed mode of construction) :
Section 25 (Gauge of tramways) :
Section 26 (Rails of tramways) :
Section 27 (Penalty for not maintaining rails and roads) :
Section 28 (Local authority to have access to sewers) :
Section 29 (Crossovers to be constructed where less than a certain width left between footway and tramway) :
Section 30 (Power to make additional crossings &c.) :
Section 31 (Alteration of tramways) as amended by this Act :
Section 32 (Temporary tramways may be made where necessary) :
Section 33 (Application of road materials excavated in construction of works) as amended by this Act :
Section 34 (As to alteration of water mains &c.) :

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Section 35 (As to subsidence of road) :
Section 36 (As to manholes) :
Section 37 (As to removal of snow &c.) :
Section 38 (Agreements with adjoining owners &c.) :
Section 40 (Provisions as to motive power) :
Section 42 (Erection of posts &c.) :
Section 43 (Special provisions as to use of electric power) :
Section 45 (Mechanical power works to be subject to sections 30 32 of Tramways Act 1870) :
Section 46 (Byelaws) :
Section 47 (Amendment of Tramways Act 1870 as to byelaws by local authority) :
Section 48 (Power to acquire patent rights) :
Section 49 (Rates for passengers) as amended by this Act :
Section 50 (Passengers' luggage) :
Section 51 (Animals and goods) :
Section 52 (Restriction on carriage of animals and goods) :
Section 53 (Payment of rates and charges) :
Section 54 (As to rates on Sundays or holidays) :
Section 55 (Cheap fares for labouring classes) :
Section 56 (Periodical revision of rates and charges) :
Section 59 (Deviation) :
Section 60 (As to repair of road widenings) :
Section 61 (Agreements with respect to road widenings) :
Section 62 (Power to make subsidiary works) :
Section 64 (Correction of errors &c. in deposited plans and book of reference) :
Section 65 (Owners may be required to sell parts only of certain lands and buildings) :
Section 67 (Period for compulsory purchase of lands) :
Section 68 (Purchase of lands by agreement) :
Section 69 (Restrictions on displacing persons of labouring class) :
Section 70 (Persons under disability may grant easements &c.) :
Section 71 (Future purchase by local authority) as modified by this Act :
Section 74 (Service of cars) :
Section 76 (Local authorities and road authorities may use tramways for certain purposes) :
Section 84 (Power to enter into agreements with respect to traffic) :
Section 86 (Form and delivery of notices) :

Section 87 (Arbitration):
Section 89 (Orders &c. of Board of Trade):
Section 90 (Recovery of penalties):
Section 109 (For protection of the corporation of Liverpool):
Section 110 (For protection of the corporation of Manchester):
Section 118 (Deposits for future Bills not to be paid out of capital):
Section 119 (Provision as to general Tramway Acts):
The Second Schedule:

Provided that in the application of section 65 of the Act of 1900 the First Schedule to this Act shall be deemed to be referred to therein instead of the Third Schedule to the Act of 1900:

Act of 1901—
Section 5 (Attachment of brackets to buildings):
Section 6 (As to generating station):
Section 8 (Appropriation of land to street widenings):
Section 10 (Matters to be taken into account by arbitrator):
Section 16 (Existing mortgages to have priority):

And in construing the said sections for the purposes of this Act the expressions "the tramways" and "the undertaking" shall mean the additional tramways by this Act authorised and the expression "the commencement of this Act" shall mean the commencement of this Act.

For protection of Postmaster-General.

6.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways owned by leased to or worked by the Company being worked by electricity the following provisions shall have effect in lieu of the provisions contained in section 44 of the Act of 1900 subsection 2 of which section is hereby repealed:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection

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whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration:

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

(3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents

the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

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

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

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

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

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

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

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

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Repeal and amendment of certain sections of Act of 1900.

7. The following sections of the Act of 1900 are hereby amended or repealed in manner following and the following provisions shall apply notwithstanding anything in the Act of 1900 or the Act of 1901 to the contrary (that is to say) :—

In addition to the powers granted by section 31 the Company with the consent of the Board of Trade and the local authority may deviate laterally from the position shown on the plans deposited in respect of the Act of 1900 or of the Act of 1901 of any of the existing or authorised tramways of the Company and any such deviations already made in the constructed tramways of the Company are hereby confirmed :

In addition to the provisions of section 33 the Company may use the materials so excavated for the purpose of making and maintaining the road widenings authorised by this and the former Acts but any such materials shall only be used within the district from which the same have been excavated :

In addition to the powers granted by section 49 the Company may by agreement with the Lancashire County Council fix and appoint from time to time stages for the purpose of regulating the fares to be charged on the tramways and if any dispute shall arise between the Company and the Lancashire County Council with reference to fixing the stages the same shall be referred to the Board of Trade for final settlement and the Company may charge for such stages in lieu of a mileage rate and may make byelaws and rules respecting the same :

Provided that the charge for any such stage shall not exceed the rate prescribed by section 49 of the Act of 1900 ; and

Provided that nothing herein contained shall empower the Company to make any charge varying that prescribed by section 97 (4) of the Act of 1900 :

Provided further that nothing in this section shall prejudicially affect the rights of the corporation of Leigh as reserved to them by subsection (6) of section 93 of the Act of 1900 :

The arbitrator under section 77 obliging the Company to provide waiting rooms for the convenience and use of persons using the tramways in any district may determine the number of waiting rooms necessary and convenient for the use of persons intending to use the tramways :

So much of sections 97 100 104 and 105 as relates to the period within which the tramways in the districts of certain district councils mentioned in those sections shall be completed is hereby repealed and in lieu thereof the Company may have the benefit of the full time prescribed by this Act:

So much of section 100 as obliges the Company to carry bicycles and perambulators on the tramcars of the Company is hereby repealed.

Period for completion of tramways.

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

Extension of period for taking of lands and construction of authorised tramways and works.

9. Subject to the provisions of this Act the periods limited for the compulsory purchase of lands and for the construction and completion of the tramways authorised by the Acts of 1900 and 1901 and not yet completed and for the road widenings and other works authorised by the said Acts in respect of such tramways are hereby extended and shall remain in force for a further period of two years in respect of the Act of 1900 and one year in respect of the Act of 1901 and the exercise by the Company of the running powers and the time for purchase by the local authorities in respect of such tramways are hereby extended by the same periods.

Power to widen roads &c.

10. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the road or street widenings hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference relating thereto as may be required for those purposes (that is to say):—

(1) A widening and improvement in Atherton Road and Market Street in the urban district of Hindley on the east side:

(2) A widening and improvement in Market Street and Bridge Street in the same district on the north side:

(3) A widening and improvement in Market Street in the urban district of Little Lever on the north side:

(4) A further widening and improvement in Market Street in the urban district of Little Lever on the south side:

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(5) A widening and improvement in Mill Lane in the parish of Winwick and rural district of Warrington on the west side:

(6) A widening and improvement in Mill Lane in the urban district of Newton-in-Makerfield on the east side:

(7) A widening and improvement in Manchester Road in the urban district of Little Hulton on the south side.

Maintenance of widenings and alterations of streets and roads.

11. The widenings and alterations of streets and roads by this Act authorised other than the road widenings in connection with the tramways authorised by the Act of 1901 shall be maintained in repair by and at the cost of the Company for twelve months after their respective completion of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of such respective periods the said widenings and alterations shall be vested in and maintained in repair as public highways subject to the provisions of section 28 of the Tramways Act 1870 by and at the expense of the authority or persons by whom or at whose expense the roads or streets or portions of roads or streets are repairable.

Period for completion of street works.

12. If the street works authorised by this Act 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 to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to alter steps areas and pipes.

13. Subject to the provisions of this Act the Company within the limits of deviation defined upon the deposited plans in connection with the street works authorised by this Act and for the purposes thereof may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit the Company making compensation for any damage done by them in the execution of the powers of this section.

Power to take lands.

14. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as

they may require for the construction of the works authorised by this Act for the widening of streets for the provision of sites for the erection of buildings adjoining any street for sidings waiting rooms sheds depôts and other buildings and for the other purposes of this Act or the Acts of 1900 and 1901.

Deposit money not to be repaid except so far as tramway is opened.

15. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of six hundred and forty-nine pounds fifteen shillings or the stock funds or other securities in which the same may be invested being five per centum upon the amount of the estimate in respect of the tramways and four per centum upon the estimated cost of the street widenings and other works authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum other than the four per centum for the other works is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the extension tramway open the same for the public conveyance of passengers and if the Company shall make default in so opening the extension tramway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid and transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

16. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the

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same and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the extension tramways or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall when the same shall become payable be paid to or on the application of the depositors.

Repayment of street works deposit fund.

17. On the application of the depositors at any time after the passing of this Act the High Court may and shall order the sum of two hundred and ninety-four pounds ten shillings part of the deposit fund referred to in the section of this Act whereof the marginal note is "Deposit money not to be repaid except so far as tramway is opened" which sum represents four per centum upon the estimated cost of the street widenings and other works by this Act authorised and the interest and dividends thereon to be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf.

Power to apply funds.

18. The Company may apply for any purposes of this Act to which capital is properly applicable any moneys which they are

authorised by the Acts of 1900 or 1901 to raise by shares or stock or borrowing. A.D. 1903.

Power to raise additional capital.

19. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole two hundred thousand pounds by the issue at their option of new ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to same incidents as other shares or stock.

20. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Company.

21. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

22. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New and existing shares or stock may be of same class.

24. Subject to the provisions of the Acts of 1900 and 1901 and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by the Acts of 1900 and 1901 and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

25. The Company may in respect of the additional capital of two hundred thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not

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exceeding in the whole sixty-six thousand six hundred pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Moneys borrowed on mortgage to rank equally and to have priority.

26. All moneys to be borrowed on mortgage under the Acts of 1900 and 1901 or this Act shall rank equally and from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and upon all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them But nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the Acts of 1900 and 1901 or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

For appointment of a receiver.

27. Section 10 of the Act of 1900 and section 15 of the Act of 1901 shall be and the same are hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provisions The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment

of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than ten thousand pounds in the whole. A.D. 1903.

MISCELLANEOUS.

For protection of Lancashire and Yorkshire Railway Company.

28. Where Tramway No. 2 will pass in front of the entrance to the Hindley Goods Station of the Lancashire and Yorkshire Railway Company no additional crossing passing-place siding junction turnout or other work shall be made for or in connection therewith for the distance thereon extending in front of the said entrance to such station and for a length of ten yards at each end of such distance without the consent of the said Company and without such consent no carriage used on the tramway shall be stopped or permitted to be stopped within such distance and lengths.

For protection of Lancashire County Council.

29. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the council of the administrative county of the county palatine of Lancaster (hereinafter called "the county council") and the ratepayers and inhabitants of the said administrative county unless otherwise agreed in writing between the county council and the Company (that is to say) :—

(1) In constructing the tramway upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto the Company shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the construction of such bridge or approaches be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Company shall together with the prescribed notice submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and the Company shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramway on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramway) the county council after seven days' written notice to the Company except in cases of

A.D. 1903.

emergency of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Company and the Company shall repay to the county council all reasonable expenses which they may be put to in restoring such bridge and approaches and in maintaining and repairing so much of the road over such bridge and approaches as the Company are liable to repair under this Act and the county council may recover from the Company all such expenses so due as aforesaid :

(2) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge or approaches the county council may execute such works as may be agreed between them and the Company (or in case of difference between them as may be determined by the Board of Trade) necessary for the strengthening of the fabric of such bridge provided such strengthening is needed for and by reason of the tramway apart from the ordinary traffic on the road in question and the county council may execute all such agreed works at the expense of the Company and the county council may recover from the Company all moneys reasonably expended by them in the execution of such works as aforesaid If it becomes necessary for effecting such strengthening that the working of any portion of the tramway be wholly or in part stopped or delayed and the county council give the Company three clear days' notice in writing requiring such stoppage or delay the working of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be necessary for effecting such strengthening and the county council shall not be liable for any claims damages or expenses in respect of such stoppage or delay :

(3) If any such bridge as aforesaid upon or along which the tramway is laid be altered widened or rebuilt by the county council the county council may require the Company to alter the tramway in such manner as the circumstances of the case may reasonably require :

(4) The Company shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the structure of any such bridge as aforesaid and shall on receiving three months' notice in

writing (which notice shall not be given unreasonably) remove any post or support which shall be so placed erected or attached as aforesaid :

(5) For the purpose of this section the expression "the tramway" shall include posts cables and all other electrical appliances connected with or used with the tramway lines :

(6) Nothing in this Act shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge upon which any work by this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Act :

(7) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking by this Act authorised they shall prior to the commencement of such work give the Company one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Company of electrical energy it is in the opinion of the county bridgemaster necessary to temporarily remove the mains and other electrical appliances belonging to the Company from such bridge then the Company shall and they are hereby authorised at their own expense to temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council :

(8) When the rebuilding altering widening or repairing of such bridge shall have been completed the Company shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out :

(9) If any dispute shall arise between the county council and the Company with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of corporation of Salford.

30. Nothing in this Act contained shall authorise the Company to make any junction which the Company is prohibited from making under the provisions of section 103 (21) of the Act of 1900.

A.D. 1903.

At least one month before commencing to construct any junction by this Act authorised between any tramways of the Company and any tramways leased to or worked by the corporation of Salford the Company shall submit plans and particulars of the intended junction to the corporation of Salford for their approval and no such junction shall be made otherwise than subject to the reasonable approval of the corporation of Salford Provided that if any difference arise between the Company and the corporation of Salford with respect to the formation of any such junction the matter shall be determined by arbitration.

For protection of Hindley Urban District Council.

31. For the protection and benefit of the urban district council of Hindley (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say) :—

(1) The following sections of the Act of 1900 (in addition to those incorporated by the section of this Act whereof the marginal note is "Incorporating provisions of Acts of 1900 and 1901") shall extend and apply to the tramways and works by this Act authorised to be constructed or reconstructed in the district of the council (hereinafter called "the additional tramways and works") (that is to say) :—

Section 78 (Materials for repairing roads) ;
Section 79 (Strengthening and alteration of bridges) ;
Section 81 (Cost of supervision) ;
Section 101 (For protection of Hindley Urban District Council) :

Provided that in applying the said last-mentioned section to the additional tramways and works the following modifications shall be made :—

(A) The running powers mentioned in subsection (1) shall be exercised on terms to be agreed or failing agreement determined by arbitration ;

(B) Subsection (2) shall not apply to the additional tramways ;

(C) Subsection (6) shall be amended by omitting the words from "and if necessary" to the end of the subsection ;

(D) Subsection (14) shall be amended by substituting "three years" for "two years" ; and

(E) Subsection (18) shall be amended by inserting the word "bridge" after the word "street" :

A.D. 1903.

(2) The Company shall before executing any works within the district of the council under the section of this Act whereof the marginal note is "Power to alter steps areas and pipes" give reasonable notice to the council of their intention so to do and the council may thereupon by notice in writing addressed to the Company elect to execute such works on behalf of the Company and shall thereupon execute such works accordingly and the Company shall pay to the council the amount of the costs and expenses incurred by the council in or in relation to the execution of such works:

(3) The Company shall cause the roads and streets within the district of the council along which any tramways are constructed under the powers of this Act to be efficiently lighted from one hour after sunset to half an hour before sunrise by means of electric lamps of such candle power as the council may deem sufficient such lamps to be affixed to pillars or posts erected by the Company for the purpose of working the tramways or other suitable pillars to be erected by the Company to the approval of the council and such lamps shall not be at a greater distance apart than forty yards and shall be fixed at such points as the surveyor to the council shall appoint:

(4) Any electric lines mains or cables laid down under the section of this Act whereof the marginal note is "Agreements with local authorities and others as to supply of electricity" shall if laid in the district of the council for the purpose of supplying other districts be laid in such line or route and in a trench of such dimensions and subject to such other terms and conditions as may be agreed between the council and the Company or as failing agreement shall be determined by arbitration:

(5) Where any additional tramways within the district of the council are constructed as double lines or passing places the Company shall pave repair and renew the pavement of the road where such double lines or passing places are laid from kerb to kerb and with such materials and in such manner as shall be satisfactory to the council:

(6) Such of the Company's pillars and posts as the council may require shall be so constructed as to be suitable for use as sewer ventilators and the council may use such posts for that purpose free of any charge:

A.D. 1903.

(7) The council may attach their official notices or advertisements to any of the pillars or posts of the Company free of any charge:

(8) Section 77 of the Act of 1900 shall apply as if the additional tramways formed part of the tramways authorised by that Act:

(9) If the council in altering the level of or widening or improving any street have occasion to require the alteration of any of the Company's tramways posts cables or works the Company shall subject to the approval of the Board of Trade alter the same at their own expense whenever required by the council so to do.

For protection of Atherton Urban District Council.

32. For the protection of the urban district council of Atherton (hereinafter called "the council") the following provisions shall unless otherwise agreed between the Company and the council apply and have effect (viz.):—

Notwithstanding anything contained in this Act the Company shall not be entitled to lay down electric lines mains or cables in the urban district of Atherton for the purpose of supplying electrical energy outside such district except in the same trenches as have already been made by them for laying down the cables necessary for working their tramways but such trenches may be enlarged if necessary for the above-mentioned purpose Provided always that if it shall be found for any reason impossible to lay such electric lines in such trenches they may be laid in such other position or route and subject to such terms and conditions as may be agreed upon between the council and the Company or as failing agreement shall be determined by arbitration.

For protection of corporation of Leigh.

33.—(1) Nothing in this Act contained shall be deemed to confer upon the Company any running powers over any tramways which may be constructed by the mayor aldermen and burgesses of the borough of Leigh within that borough.

(2) Notwithstanding anything contained in this Act the Company shall not be entitled to lay down electric lines mains or cables within the borough of Leigh for the purpose of supplying electrical energy outside such borough except in the same trenches as have already been made by them for laying down the cables necessary for working their tramways but such trenches may be enlarged if necessary for the above-mentioned purpose Provided always that if it shall be found for any reason impossible to lay such electric lines in such trenches they may be laid in such other

position or route and subject to such terms and conditions as may be agreed upon between the corporation and the Company or as failing agreement shall be determined by arbitration.

For protection of corporation of Wigan.

34. For the protection and benefit of the mayor aldermen and burgesses of the borough of Wigan (in this section called "the corporation") the following provisions shall except so far as may be otherwise agreed between the Company and the corporation have effect (that is to say):—

(1) The Company shall if and when they obtain a lease from the Hindley Urban District Council of the portion of the tramways in the urban district of Hindley from the boundary of Hindley to the "Bird i'th' Hand" public-house at the corner of Liverpool Road and Wigan Road as provided in clause 2 of the agreement scheduled to this Act grant running powers for passenger traffic to the corporation over such tramways during the whole period of the said lease and of any renewal thereof upon such terms as shall be agreed between the Company and the corporation or failing agreement as shall be settled by arbitration and shall in any event grant the corporation running powers from the "Bird i'th' Hand" aforesaid to the corner of Albert Street and Market Street for the purposes of access to the corporation's car shed in Albert Street aforesaid free of charge Provided that in the event of only the Market Street tramway being leased to the Company and the portion of the tramway from the Hindley boundary to the "Bird i'th' Hand" public-house being leased to the corporation the corporation shall grant running powers for passenger traffic to the Company over the tramways comprised in such last-mentioned lease during the whole of such lease and of any renewal thereof upon such terms as shall be agreed between the corporation and the Company or failing agreement as shall be settled by arbitration:

(2) The provisions of subsection (1) of this section are subject to the corporation altering the gauge of their adjoining tramway to four feet eight and one half inches and to the Hindley Urban District Council consenting to the granting of the running powers hereinbefore provided for (if such consent shall be necessary) and the Company and the corporation shall use their best endeavours to obtain the consent of the Hindley Urban District Council to the granting of such running powers:

A.D. 1903.

(3) Any works which may be necessary to carry out the arrangements hereinbefore provided for shall so far as they affect the Company be carried out by the Company at the expense of the corporation and in the event of any dispute arising in regard thereto such dispute shall be settled by arbitration.

For protection of corporation of Bolton.

35. For the protection of the mayor aldermen and burgesses of the borough of Bolton (in this section referred to as "the corporation") the following provision shall unless otherwise agreed between the corporation and the Company have effect (viz.):—

Nothing in this Act contained shall authorise the Company to construct any junction between any of their tramways and any tramway of the corporation other than such junctions as are already authorised.

For protection of Tyldesley Urban District Council.

36. For the protection of the urban district council of Tyldesley (hereinafter referred to as "the council") the following provision shall unless otherwise agreed in writing between the Company and the council have effect (viz.):—

Notwithstanding anything in this Act contained the periods for the construction and completion of so much of Tramway No. 8c authorised by the Act of 1900 as is not yet completed and so much of Tramway No. 28 authorised by the same Act as extends from the termination of No. 8c aforesaid in Chaddock Road to Stirrup Brook are hereby respectively extended and shall remain in force for a further period of fifteen months only from the expiration of the period of three years prescribed by section 100 subsection (7) of the Act of 1900 Provided that the council shall have power to extend such period to the full period prescribed by this Act in respect of the remainder of the tramways not yet completed.

For protection of urban district councils of Abram and Ince-in-Makerfield.

37. Nothing in this Act contained shall affect the provisions of section 94 (3) of the Act of 1900 so far as regards the urban district councils of Abram and Ince-in-Makerfield.

For protection of urban district council of Ashton-in-Makerfield.

38. Nothing in this Act contained shall affect the provisions contained in section 105 (5) and (9) of the Act of 1900 so far as regards the urban district council of Ashton-in-Makerfield.

Running powers over tramways of corporation of Saint Helens.

39. Notwithstanding anything contained in the Acts of 1900 and 1901 or in this Act the following provisions shall except so far as may be otherwise agreed between the Company and the mayor aldermen and burgesses of the borough of Saint Helens (in this

section called "the corporation") apply and have effect (that is to say):— A.D. 1903.

(1) During the continuance of the existing lease of their tramways granted by the corporation the Company with the consent in writing of the New Saint Helens and District Tramways Company Limited may run over and use for the conveyance of passengers passengers' luggage and small parcels only such of the tramways of the corporation as it may be necessary for the Company to run over and use for the purpose of a through service of cars from and to the commencements of Tramways Nos. 1 and 12 respectively authorised by the Act of 1900 to and from the termination at Prescot of the light railway authorised by the Liverpool and Prescot Light Railway Order 1898 Provided that except on Bank Holidays the total number of cars upon the said tramways shall not at any time exceed twenty-five except with the consent in writing of the corporation:

(2) The carriages of the Company when passing over the tramways of the corporation shall be moved by electrical power applied according to the system used on those tramways and supplied by the corporation and the corporation shall supply all energy required for moving such carriages upon those tramways:

(3) The Company shall pay to the corporation and to the New Saint Helens and District Tramways Company Limited respectively for the right of exercising the running powers referred to in subsection (1) of this section and to the corporation in respect of the wear and tear of the tramways and works and of the roads upon which the same are laid such sums and the running powers shall be exercised along such routes to such extent at such times and subject to such conditions and the energy supplied in pursuance of this section shall be supplied by the corporation for such consideration and upon and subject to such terms and conditions as failing agreement between the three parties shall from time to time be determined by the Board of Trade Provided that the matters determined by agreement or by the Board of Trade under this subsection may be revised at the end of eleven and sixteen years from the first day of October one thousand eight hundred and ninety-eight on one party giving to the others not less than three months' notice and in that event the same shall be again determined by agreement or failing agreement by the Board of Trade:

A.D. 1903.

(4) Except as provided by the foregoing provisions of this section the Company shall not enter upon run over or use with their engines carriages or servants any of the tramways belonging to the corporation or enter into any agreement contract or arrangement in relation to the tramways belonging to the corporation with the lessees of the corporation or other persons working their tramways for a similar purpose or as to any such tramways of the corporation for any of the purposes mentioned in section 82 (Running powers) section 83 (Working agreements) or section 84 (Power to enter into agreements with respect to traffic) of the Act of 1900 or for any of the purposes of the sections of this Act whereof the marginal notes are "Company and local authorities may contract to lease tramways in neighbouring districts" "Junctions with other tramways" and "Power to enter into agreements with respect to traffic" respectively Provided that (with the consent of the corporation) the Company shall have power to agree with the New Saint Helens and District Tramways Company Limited in regard to all matters necessary to the exercise of the said running powers and that failing agreement on any such necessary matters between the corporation and the Company the matter in difference shall be determined by the Board of Trade:

(5) Section 108 (For protection of the corporation of Saint Helens) of the Act of 1900 is hereby repealed.

Agreements with road authority.

40.—(1) The Company may subject to the provisions of this Act enter into agreements with any road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways of the Company 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 any of the tramways are intended to be laid or any part thereof.

(2) The Company on the one hand and any road authority on the other hand may enter into and carry into effect agreements with respect to the cost of 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.

A.D. 1903.

Company and local authorities may contract to lease tramways in neighbouring districts.

41. The Company may with respect to any tramways or light railways situate in any part of the county of Lancaster south of the River Ribble enter into and carry into effect contracts and agreements with any local authority body company or person with respect to all or any of the following matters (that is to say) :—

The lease working use management and maintenance by the contracting parties or either of them of all or any of their tramways or light railways and the works connected and used therewith or any part or parts thereof respectively Provided that no lease shall be granted by the Company without the consent in writing of the local authority within whose district the tramway proposed to be leased is situate ;

The making of all necessary junctions ;

The supply and maintenance under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked and used by any one or more of them of rolling stock plant machinery and electrical energy necessary for the purposes and during the continuance of such agreement ;

The appointment and removal of officers and servants ;

The payments to be made and the conditions to be performed in respect of the matters aforesaid ;

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;

The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent ; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees.

Junctions with other tramways.

42. The Company may form junctions between any of their tramways and any tramways or light railways which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways or light railways as the case may be and of the local authority in whose district the junction is to be made Provided that such consents shall not be unreasonably withheld where any such junction is for the public convenience and in case of difference the matter shall be referred to the Board of Trade for determination.

Power to enter into agreements

43. The Company or any corporation local authority company or person using the tramways or any portion thereof may from

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with respect to traffic.

time to time but subject to the provisions of this Act enter into agreements with any corporation local authority company or person with respect to the receiving from or forwarding to any such corporation local authority company or person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges or other receipts arising in respect of such traffic.

Agreements with local authorities and others as to supply of electricity.

44.—(1) The Company on the one hand and any local authority or the Lancashire Electric Power Company (in this section referred to "as the power company") or any company body or person authorised by any Act or Provisional Order to supply electrical energy in any district in which any of the tramways of the Company may be situate on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say)—:

(A) The supply to the Company by such local authority power company or other company body or person of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act and the Acts of 1900 and 1901 and for lighting any streets which the Company may be under any obligation to light in connection with the working of any such tramways Provided that any supply of electrical energy by any such local authority company body or person to the Company shall be subject to the provisions of the respective Acts or Orders under which such local authority company body or person may be empowered to supply electrical energy:

(B) The supply by the Company by agreement with the power company to any such local authority company body or person of electrical energy Provided that nothing in this Act shall empower the Company to supply electrical energy to any such local authority company body or person without the consent in writing of the power company Provided that any supply of electrical energy by the Company under this Act and any works constructed for that purpose shall be subject to all the provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Electric Lighting (Clauses) Act 1899:

(C) The payments to be made or other consideration to be given in respect of any such supply.

(2) For the purpose of carrying out any such agreement as aforesaid the Company may subject to the provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899 lay down electric lines mains or cables through any district in such line or route and in a trench of such dimensions and subject to such other terms and conditions as may be agreed between the Company and the local authority of such district or as failing agreement shall be determined by arbitration.

Penalty for wilful damage and power to remove obstructions

45. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramway or light railway owned leased or worked by the Company anything which is calculated to obstruct or interfere with the working of such tramway or light railway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway or light railway owned leased or worked by the Company shall be liable on summary conviction to a penalty of not exceeding twenty pounds and the Company may themselves remove obstructions caused by any breakdown or illegal act or cause from any tramway or light railway owned leased or worked by the Company so as to free the traffic thereon from any such obstruction.

Confirmation of agreement between Company and Hindley Urban District Council.

46. The agreement dated the first day of May one thousand nine hundred and three and made between the Hindley Urban District Council and the Company which is set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the said council and the Company respectively.

Provision as to general Tramway Acts.

47. 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 rates of fares or charges authorised by this Act.

Costs of Act.

48. 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.

A.D. 1903.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PARTS ONLY MAY BE REQUIRED TO BE TAKEN.

—	Urban District or Parish.	Numbers on deposited Plans.
Tramway.		
No. 1 -	Hindley -	5 6 10 11
No. 1A -	Hindley - -	14
Road widening.		
No. 3 -	Little Lever - -	3 4 5 9 15
No. 4 -	Little Lever - -	2
No. 5 -	Winwick - - -	2 4
No. 6 -	Newton-in-Makerfield -	2 3 4 5 6 7 8 9 10 11 12 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
No. 7 -	Little Hulton - -	2 3

SECOND SCHEDULE.

AN AGREEMENT made the first day of May one thousand nine hundred and three between the URBAN DISTRICT COUNCIL OF HINDLEY in the county of Lancaster (hereinafter called "the council") of the one part and the SOUTH LANCASHIRE TRAMWAYS COMPANY (hereinafter called "the Company") of the other part.

WHEREAS the Company are promoting a Bill to authorise certain additional tramways in the said district (hereinafter called "the additional tramways") and the council have given their consent thereto subject to and on the terms of the provisions hereinafter contained and on the terms of a clause agreed to be inserted in the Bill:

And whereas the council have become entitled to purchase under and upon the terms mentioned in section 43 of the Tramways Act 1870 that part

of the tramways authorised by the Wigan Tramways Order 1879 which is situate within the said district (which tramways so situate within the district are hereinafter called "the Wigan Tramways") and have given the necessary notices to the corporation of Wigan as the owners of such tramways:

And whereas the Company have agreed to take a lease from the council of the whole or part of the Wigan tramways on the terms hereinafter mentioned for the purpose of working the same in conjunction with the additional tramways and their authorised tramways:

Now it is hereby agreed as follows:—

1. The council shall proceed with and complete the said intended purchase of the Wigan Tramways from the Wigan Corporation and will use their best endeavours to secure the same at as low a price as possible and if in the opinion of the council the Wigan Corporation have refused to agree a reasonable price the council shall proceed to have the price determined by arbitration but the council shall from time to time consult the Company as to the price to be agreed and the conduct of the arbitration.

2. The council shall so soon as they have acquired the Wigan Tramways lease to the Company as from the date of acquisition or the date when this Bill shall receive the Royal Assent whichever shall be later for a term of twenty-one years either the whole of such tramways or that part situate in Market Street at the option of the council and the Company shall take a lease of the whole or such part when required by the council.

3. The Company shall if the whole of the Wigan Tramways are so leased as aforesaid pay to the council on the granting of the lease by way of premium or consideration for the grant of the lease a sum equal to the amount of—

(A) The price paid by the council to the Wigan Corporation;

(B) The costs and expenses of the council of and incidental to the negotiations for the acquisition of the Wigan Tramways and the purchase and the arbitration and award and the lease to the Company; and

(C) The sum of two hundred pounds.

4. In the event of only that part of the Wigan Tramways which is situate in Market Street being leased to the Company the Company shall pay to the council by way of premium as aforesaid half the amounts determined by the last preceding article under the heads (A) (B) and (C).

5. In the event of the council purchasing from the Wigan Corporation any part of the cars horses and equipment used in connection with the Wigan Tramways the same shall be sold by the council and the proceeds of sale or half the proceeds if only the Market Street Tramways are leased shall be deducted from the amount of the premium or consideration for the lease.

6. In the event of the council being bound to acquire and acquiring the car shed and entrance line thereto the same shall not be included in the lease and the price thereof shall not be included in the premium save by agreement between the council and the Company but if the council desire it the Company shall take a lease of such car shed and line for a term coterminous with the said lease of the said tramways and upon such other terms and conditions as shall be mutually agreed upon and failing agreement to be fixed by arbitration.

A.D. 1903.

7. The lease shall contain provisions to the following effect (viz.) :—

That the Company shall forthwith subject to the approval of the Board of Trade reconstruct the tramways leased on the standard gauge :

That the Company shall forthwith equip the tramways leased for electric traction on the overhead system and work the same in connection with their authorised tramways and the additional tramways and that the fare for any journey partly over the leased and partly over the authorised or additional tramways shall be at a rate not exceeding one penny per mile :

That the Company shall be entitled to remove and dispose of the existing rails and pavement in the course of such reconstruction and that such reconstruction and equipment shall be carried out in all respects under the supervision and to the reasonable satisfaction of the surveyor to the council :

That the provisions of the section of the Company's Act of 1900 incorporated in and as modified by the Company's intended Act of 1903 and the section to be inserted in the last-mentioned Act for the protection of the council shall so far as they are applicable apply to the tramways leased and that in particular the provisions as to lighting in the said intended Act shall apply thereto :

That the Company shall keep the tramways leased together with their equipment in good condition and repair and render up such tramways and equipment to the council in thorough good working repair and condition at the termination of the said lease or any extension thereof subject to the provisions for renewal hereinafter contained :

That the Company shall pay all rates and taxes :

That the Company shall so soon as the Wigan Corporation Tramways are altered to the standard gauge if required by the council grant to the Wigan Corporation running powers over the tramways leased on terms to be agreed between the Company and the Wigan Corporation or failing agreement to be determined by arbitration but subject in the event of only the Market Street Tramway being leased to reciprocal running powers on the like terms being secured by the council for the Company over the remainder of the Wigan Tramways not so leased :

And the lease shall contain all other provisions usually contained in leases of tramways by local authorities and shall be settled failing agreement by arbitration.

8. The council shall if required in writing by the Company six months before the expiry of the lease grant a renewed lease of the tramways so leased for a second term of twenty-one years commencing on the expiry of the first term and the renewed lease shall contain the like terms and conditions as the original lease but the premium or consideration for the grant of the renewed lease shall be the same amount as the Company shall have paid under heads (A) and (C) of clause 3 hereof as premium or consideration for the original lease and all costs and expenses of and incidental to the negotiation for and granting of such renewed lease Provided that if the council shall upon the receipt of such notice to renew consider the said premium or consideration

aforesaid inadequate the whole question of price shall be submitted to arbitration and the costs thereof shall be in the discretion of the arbitrator. A.D. 1903.

9. The council shall at the cost in all respects of the Company use their best endeavours to obtain powers to widen and shall at the like cost if so empowered but with due consultation with the Company acquire the lands necessary for widening and widen Market Street and Ladies Lane in accordance with a plan signed in duplicate by John Ruffell Salter on behalf of the Company and Alfred Holden on behalf of the council so as to give a roadway and footways of the respective widths shown thereon Provided that when the council shall have acquired the necessary lands the Company may at their option themselves make the necessary road widenings but subject to the supervision and to the satisfaction of the council Provided also that where the Company obtain under the said intended Act powers to effect any of such widenings the Company shall themselves at their own expense carry out such widening before the tramways along the street to be widened are opened for traffic by the Company.

10. The council shall at the same time at the cost of the Company use their best endeavours to obtain any other lands required to carry out widenings in the district provided for by the said intended Act which the Company may not have power to acquire and shall exercise such powers at the cost but with due consultation with the Company.

11. In the event of the Wigan Tramways in Wigan Road being leased to the Company the council shall at the cost of the Company use their best endeavours to obtain powers to carry out such widenings as may be agreed or failing agreement determined by arbitration to be necessary or desirable for the convenient working of the tramways together with the other road traffic and shall exercise such powers and complete such widenings at the cost of but with due consultation with the Company Provided that when the council shall have acquired the necessary lands the Company may at their option themselves make the necessary road widenings but subject to the supervision and the satisfaction of the council.

12. In the event of the council failing to obtain such powers as aforesaid or any of them the Company shall apply to Parliament for and use their best endeavours to obtain such powers in the next Bill promoted by them and within three years at the longest and shall on obtaining such powers exercise the same and widen the roads or streets accordingly at all the points and places shown on the said plan.

13. Where any road is to be widened under the provisions of this agreement the council at the cost of the Company or the Company as the case may be shall reconstruct pave kerb and make up the widened road with such materials and according to such plan and specification as failing agreement may be determined by arbitration.

14. The Company shall at their own expense when required by the council throw into the road any part of the footway along the route of the additional tramways or the Wigan Tramways and shall form and pave the part so thrown into the road in the same way as the rest of the roadway and to the reasonable satisfaction of the council and shall kerb channel and flag

A.D. 1903.

the remainder of the footway in the same manner as the existing footway to the like satisfaction And shall be entitled to use the old material for this purpose.

15. Nothing in this agreement shall prevent the council from opposing the Company's Bill so far as may be necessary to secure that effect be given to the agreements between the council and the Company.

16. If any dispute shall arise as to the meaning of these presents or anything to be done or not to be done thereunder the same shall be determined by an arbitrator appointed by the Board of Trade and the Arbitration Act 1889 shall apply to such arbitration.

17. This agreement is made subject to the approval of Parliament during the present session and to such alteration as Parliament shall think fit to make herein Provided that if any material alteration be made either party may withdraw from the same.

In witness whereof the council and Company have caused their common seals to be affixed hereto the day and year first above written.

THOS. SOUTHWORTH Chairman.

THOS. ROBEY Clerk.

Seal of the Hindley Urban District Council.

Passed under the common seal of the South Lancashire Tramways Company in the presence of

JNO. A. WILLOX
E. K. MUSPRATT } Directors.

ALFRED TRACEY Secretary.

Seal of the South Lancashire Tramways Company.

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