CHAPTER cxxxv.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Wigan in regard to the construction of tramways and street improvements and other matters and to make further provision in regard to the finance of the borough and for other purposes. A.D. 1898

[25th July 1898.]

WHEREAS the borough of Wigan in the county palatine of Lancaster is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas in pursuance of powers conferred by the following Orders and Act namely:—

The Wigan Tramways Order 1879 (confirmed by the Tramways Orders Confirmation Act 1879);

The Wigan Tramways Order 1884 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1884);

The Wigan Corporation Act 1893; and

The Wigan and District Tramways Order 1895 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1895);

certain tramways have been constructed in the borough and the neighbourhood thereof and those tramways (except the tramways constructed under the Wigan and District Tramways Order 1895) are vested in the Corporation subject to a lease thereof to the Wigan and District Tramways Company Limited:

And whereas it is expedient to empower the Corporation to construct and maintain the additional tramways in this Act described in connexion with the tramways belonging to the Corporation or authorised to be acquired by them and to make further provision in regard to the tramways authorised by the recited Orders and Act and by this Act:

And whereas the Corporation are or claim to be entitled to the franchise of holding markets and fairs in the borough and those

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markets are regulated by provisions contained in the Wigan Improvement Act 1874 and the Wigan Corporation Act 1893 and it is expedient to amend those provisions as in this Act mentioned:

And whereas trustees for the Wigan and District Mining and Technical School are or claim to be the owners of the lands described in Part I of the Third Schedule to this Act upon which a temporary building has been erected for the purposes of that school and which adjoin certain lands belonging or claimed to belong to the Corporation and forming the site of their public baths and the Corporation are or claim to be the owners of the lands described in Part II of the same schedule:

And whereas it is expedient that the said lands of the Corporation be exchanged for those of the trustees for the said school and that the Corporation be empowered to acquire further lands for the said school:

And whereas it is expedient to empower the Corporation to acquire lands for the purposes of improving certain streets in the borough of improving their water undertaking and of extending their borough courts police station and municipal buildings:

And whereas it is expedient to confer upon the Corporation further powers for the construction of public conveniences and lavatories:

And whereas by orders of the Local Government Board dated respectively the twentieth day of March and the twenty-first day of October 1895 and made in pursuance of section 33 of the Local Government Act 1894 the power and duty of appointing overseers for the township of Wigan and the power of appointing and revoking the appointment of an assistant overseer for that township were transferred to the council of the borough subject to a reservation in favour of the assistant overseer holding office at the date of the last mentioned order and it is expedient to empower the Corporation to appoint and remove officers to collect all local rates leviable in the borough:

And whereas it is expedient to confer further powers upon the Corporation in regard to the borrowing of money and the granting of mortgages and that further provision be made as in this Act contained in regard to the finance of the borough:

And whereas it is expedient to empower the Corporation to pay bands of music to perform in recreation grounds and other places within the borough:

And whereas by section 42 of the Wigan Gas Act 1861 the Corporation are required to make an allowance on charges payable to them in respect of gas to persons who pay the sums due from them to the Corporation on the day appointed for payment thereof

or within thirty days thereafter and it is expedient to amend that section : A.D. 1898.

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

And whereas estimates have been prepared by the Corporation for the purchase of lands for and the execution of the various works authorised by this Act and such estimates are as follows :—

	£
For the construction of the tramways authorised by this Act and the purchase of the undertaking authorised by the Order of 1895 - - - - -	33,500
For the purchase of lands for and the construction of the street improvements authorised by this Act - -	12,000
For the purpose of the execution of the powers of the Corporation under section 154 of the Public Health Act 1875 - - - - - -	20,000
For the purchase of the land for and the construction of the settling tanks and other works and conveniences authorised by this Act - - - -	3,000
For the extension of the borough courts police stations and municipal offices of the Corporation and the purchase of land for that purpose - - -	1,500
For the construction of public conveniences and lavatories in pursuance of the powers of this Act - -	2,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Wigan Examiner a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said Wigan Examiner and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight

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hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act respectively referred to as the deposited plans sections and book of reference:

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

Preliminary.

Short title.

1. This Act may be cited as the Wigan Corporation Act 1898.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act namely:—

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

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

Interpretation.

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

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

"The borough" means the borough of Wigan;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the borough fund" "the borough rate" "the district fund" and "the general district

rate" mean respectively the town clerk treasurer borough fund borough rate district fund and general district rate of the borough;

"The Act of 1874" "the Order of 1879" "the Order of 1884" "the Act of 1889" "the Act of 1893" "the Order of 1895" mean respectively the Wigan Improvement Act 1874 the Wigan Tramways Order 1879 the Wigan Tramways Order 1884 the Wigan Corporation Act 1889 the Wigan Corporation Act 1893 and the Wigan and District Tramways Order 1895;

"The authorised tramways" means the tramways authorised by the Order of 1879 the Order of 1884 the Act of 1893 the Order of 1895 and this Act;

"Mechanical power" includes steam electric and every other motive power not being animal power;

"Engine" includes motor;

"The tramway company" means the Wigan and District Tramways Company Limited;

"The First Schedule" "the Second Schedule" "the Third Schedule" and "the Fourth Schedule" mean respectively the First Second Third and Fourth Schedules to this Act;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuity certificates or securities payable to bearer or securities of the Corporation) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation in Great Britain or any commissioners for the purposes of the Burgh Police (Scotland) Act 1892 or any local authority as defined by section 34 of the Local Loans Act 1875;

"Statutory borrowing power" means any power of borrowing or re-borrowing money on the security of the revenues of the Corporation or of any of them;

"The revenues of the Corporation" includes the revenues of the Corporation arising from any land undertakings or other property for the time being of the Corporation and rates leviable by or on the precept of the Corporation.

Execution of Act.

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

LANDS.

Power to take lands.

5. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands

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delineated on the deposited plans and described in the deposited book of reference other than the lands numbered therein 1 to 36 and 74 to 76.

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

6. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk of the borough or the clerk to the council for the urban district or the clerk to the parish council for the parish 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 to urban district council or clerk to 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 Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

7. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

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

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

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

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

(*c*) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

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

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

(*f*) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and

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expenses reasonably and properly incurred by him in consequence of such notice:

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

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

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Persons under disability may grant easements &c.

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 Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to purchase additional lands by agreement.

10. The Corporation in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands not exceeding in the whole twenty acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

11.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

TRAMWAYS.

Power to make tramways.

12. Subject to the provisions of this Act the Corporation may make form lay down use and maintain the tramways herein-after described in the lines and according to the levels and in all respects in accordance with the deposited plans and sections with all proper rails plates sleepers channels passages junctions turntables turnouts crossings passing-places stables carriage-houses sheds buildings engines works and conveniences connected therewith respectively:

The tramways herein-before referred to and authorised by this Act will be situate within the borough and are as follows:—

Tramway No. 1 (single line 1 furlong 9·4 chains in length) commencing in King Street by a junction with the existing tramway therein at a point 70 links east of Rodney Street and terminating in Market Place by a junction with the existing tramway therein at a point opposite to the south-westerly corner of Commercial Yard:

Tramway No. 2 (4 furlongs 8·52 chains in length whereof 4 furlongs 0·52 chains are single line and 8 chains are double line) commencing in Market Place by a junction with the existing tramway therein at a point opposite to the south-westerly corner of Commercial Yard and terminating in Warrington Lane by a junction with the existing tramway therein at a point 1 chain 40 links south-east of Darlington Street:

Tramway No. 3 (single line 2 furlongs 5 chains in length) commencing by a junction with Tramway No. 2 authorised by this Act in Market Place at a point 1 chain 60 links measured in a westerly direction from Millgate and terminating in Rodney Street by a junction with Tramway No. 1 authorised by this Act at a point 15 links south-west of the south-westerly corner of Library Street:

Tramway No. 5 (1 mile 4 furlongs 9·5 chains in length whereof 1 mile 3 furlongs 7·5 chains are single line and 1 furlong 2 chains are double line) commencing in Market Street by a junction with the existing tramway therein at a point 2 chains

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30 links north of Church Gate and terminating in Woodhouse Lane at a point 1 chain 90 links from Holcroft Street measured in a north-westerly direction;

Tramway No. 5A (single line 1·75 chains in length) commencing in Woodhouse Lane by a junction with Tramway No. 5 authorised by this Act at a point 80 links measured in a south-easterly direction from Holcroft Street and terminating in Holcroft Street at a point 1 chain 35 links north of Woodhouse Lane:

Tramway No. 5B (single line 0·83 chains in length) commencing in Holcroft Street by a junction with Tramway No. 5A authorised by this Act at a point 50 links north of Woodhouse Lane and terminating in Woodhouse Lane by a junction with Tramway No. 5 authorised by this Act at a point 60 links north-west of Holcroft Street:

Tramway No. 6 (1 mile 5 furlongs 6·75 chains in length whereof 1 mile 4 furlongs 0·75 chains are single line and 1 furlong 6 chains are double line) commencing in Market Street by a junction with Tramway No. 5 authorised by this Act at a point 50 links south-east of New Market Street and terminating in Wigan Lane at a point 2 chains measured in a northerly direction from the north side of Elmfield Road:

Tramway No. 6A (single line 2 chains in length) commencing in Wigan Lane by a junction with Tramway No. 6 authorised by this Act at a point 60 links south-east of Elmfield Road and terminating in Elmfield Road at a point 1 chain 70 links west of Wigan Lane:

Tramway No. 6B (single line 0·85 chains in length) commencing in Elmfield Road by a junction with Tramway No. 6A authorised by this Act at a point 70 links west of Wigan Lane and terminating in Wigan Lane by a junction with Tramway No. 6 authorised by this Act at a point 50 links north of Elmfield Road:

Tramway No. 7 (single line 2 furlongs 1·23 chains in length) commencing in Upper Dicconson Street by a junction with Tramway No. 6 authorised by this Act at a point 43 links south-west of Earl Street and terminating in Wigan Lane by a junction with Tramway No. 6 authorised by this Act at a point 46 links measured in a northerly direction from Swinley Road.

Period for completion of tramways.

13. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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Incorporation of sections of Order of 1884 and Act of 1893.

14. The following sections of the Order of 1884 (that is to say):—

Section 12 (Local authority to have access to sewers);
Section 14 (Tramways to be kept on a level with surface of road);
Section 15 (Additional crossings &c. may be made where necessary);
Section 16 (Temporary tramways may be made where necessary);
Section 17 (Application of road materials excavated in construction of works);
Section 18 (Tramways not to be opened until certified by the Board of Trade);
Section 32 (Amendment of Tramways Act 1870 as to byelaws by local authority);
Section 33 (Orders and byelaws to be signed &c.);
Section 38 (Provisions as to arbitration);
Section 44 (Saving for general Acts);

and the following sections of the Act of 1893 (that is to say):—

Section 10 (Gauge of tramways);
Section 11 (Provisions as to construction of tramways);
Section 12 (As to rails of tramways);
Section 13 (Penalty for not maintaining rails and roads in good condition);
Section 15 (Agreements between Corporation and road authorities);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways authorised by this Act and in construing the said sections of the Order of 1884 the expression "the promoters" shall for the purposes of this Act mean the Corporation and for the purposes of this Act section 38 of the Order of 1884 shall be read as if the Arbitration Act 1889 were referred to therein instead of the Common Law Procedure Act 1854.

For purposes of traffic and tolls tramways to form part of tramways authorised by Order of 1879.

15. The tramways authorised by this Act shall for the purposes of traffic upon the same and of tolls rates and charges be deemed to form part of the tramways authorised by the Order of 1879 and sections 26 to 32 of that Order and the schedule thereto annexed shall so far as the same are applicable apply to the tramways authorised by this Act in like manner in every respect as if those tramways formed part of the tramways authorised by that Order.

Application of Conveyance of Mails Act 1893.

16. Section 45 of the Order of 1884 and section 18 of the Act of 1893 are hereby repealed and the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Corporation as if the same had been authorised by an Act of Parliament passed after

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the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

As to fares on Sundays or holidays.

17. The Corporation shall not take or demand on Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

Alteration of tramways.

18. The Corporation may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the authorised tramways and if at any time after the construction of any of the authorised tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Repeal of existing enactments as to mechanical power.

19. Subject to the provisions of this Act the Orders and Act specified in the Second Schedule are hereby repealed to the extent mentioned in the second column of that schedule.

Provisions as to motive power.

20. The carriages used on the authorised tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade may make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the authorised tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical power on the authorised tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a

further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

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

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

may by order either direct the Corporation company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

Provided that the steam power used upon the existing tramways at the passing of this Act shall for the purposes of this Act be deemed to be mechanical power used with the consent of and according to a system approved by the Board of Trade and that the schedule to the Order of 1884 shall unless and until altered or revoked by the Board of Trade be deemed to be the Board of Trade regulations.

Construction of electric works and generating station.

21.—(1) For the purpose of working any of the authorised tramways the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may place construct erect lay down make and maintain on above or below the surface of any streets posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings and may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.

(2) The Corporation may upon the lands herein-after described (but not elsewhere under the powers of this Act) construct a station or stations for generating electric energy and may thereon provide and use dynamos engines works conveniences apparatus and things necessary or proper for the generation of such energy and the Corporation may appropriate such lands to such purposes The lands herein-before referred to are as follows:—

A piece of land situate in the borough bounded on the north-westerly side by Chapel Lane on the north-easterly side in part by property abutting upon Darlington Street and in other part

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by Ellen Street on the south-easterly side by the River Douglas and on the south-westerly side by the Lancashire and Yorkshire Railway.

Byelaws.

22.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the authorised tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For limiting the number of carriages for the conveyance of animals goods minerals and parcels to be drawn or propelled together and the hours during which such carriages shall be used on the authorised tramways;

For the licensing of the drivers of the engines and carriages and the conductors of the carriages used on such tramways (the age of drivers not being less than twenty-one years and of conductors not less than eighteen years);

For providing that such tramways and the engines and carriages used thereon shall at all reasonable times be open to the inspection of inspectors appointed by the Corporation and the urban district councils of Abram Hindley Ince-in-Makerfield Pemberton and Standish-with-Langtree respectively;

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

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

(2) Any byelaws made by the Board of Trade in relation to any of the matters referred to in this section with regard to any of the authorised tramways and in force at the passing of this Act shall be deemed to have been made under this section.

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Special provisions as to use of electric power.

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

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

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

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

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

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

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic

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action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(7) The expression "the Corporation" in this section shall mean the Corporation or their lessees or licencees or other the person using electric power under this Act.

For protection of London and North Western Railway Company.

24. In making and maintaining any wires apparatus subways tunnels cables tubes and openings under the surface of any strect or place where the same passes over any railway or bridge carrying any road over the railway of the London and North Western Railway Company (in this section called "the company") in order to work the authorised tramways by mechanical power the following provisions shall unless otherwise agreed between the company and the Corporation be in force and have effect:—

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

(2) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing use or removal of such wires apparatus subways tunnels cables tubes and openings the company may at the reasonable expense of the Corporation restore such bridge or approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned:

(3) All works which may be necessary in constructing laying and maintaining any of the said apparatus subways tunnels cables tubes and openings over any railway bridge works or other property of the company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or of the Corporation.

For protection of Postmaster-General.

25. In the event of any of the authorised tramways being worked by electricity the following provisions shall have effect:—

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

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

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

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

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

(4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication

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is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

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

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

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

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

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

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

(11) In this section the expression "the Corporation" means the Corporation or their lessees or licencees or other the person working any of the authorised tramways by electricity.

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

26. For the protection and benefit of the urban district councils of Ince-in-Makerfield Pemberton and Hindley (in this section called "the urban councils") the following provisions shall have effect with respect to so much of the authorised tramways as is situate in their respective districts :—

(1) If at any time the Corporation shall decide to use mechanical power on the authorised tramways under this Act (other than steam power) they shall give one month's notice to the urban council of the district intended to be affected of their intention to use such power and shall at the same time deliver particulars and a plan and section of the proposed works (if any) in connexion therewith and if such works are approved by the urban council the same shall be executed in all respects to their reasonable satisfaction in accordance with such particulars plan and section but in case the urban council do not approve of the intended works or of the manner in which they are proposed to be executed they shall before the expiration of such month give notice thereof in writing to the Corporation setting out their objections to such works or to the manner in which they are intended to be executed and stating the manner in which the urban council desire the works to be executed and pending the settlement of the matter either by mutual arrangement or by arbitration as in this section provided the work shall not be proceeded with :

(2) The Corporation shall pay to the urban councils all reasonable expenses to which they are put on account of superintendence under the foregoing provisions of this section :

(3) If the Corporation object to comply with the desire of the urban council with regard to any of the works referred to in the foregoing provisions of this section or object to the decision of the urban council with reference to any matter which requires their approval or of which they are entitled to disapprove under such provisions the question as to the character of the works or the manner in which such works are to be executed or other matter in difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party :

(4) In the exercise of the powers of this Act to lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road unless the Corporation give notice thereof to the urban council affected nor if the urban council shall by

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writing under the hand of their clerk addressed and delivered to the Corporation within three weeks after receiving such notice express their disapproval thereof.

Limiting rights of tramway company in respect of motive power.

27. Nothing in this Act contained shall authorise the tramway company to use upon any of the authorised tramways any form of motive power not authorised by the lease thereof.

Purchase of tramway authorised by Order of 1895.

28. The Corporation may with the consent of the Board of Trade and in pursuance of a resolution passed in the manner prescribed by section 43 of the Tramways Act 1870 purchase by agreement with the tramway company the whole or any part of the undertaking authorised by the Order of 1895 and when any such purchase has been made all the rights powers authorities obligations and liabilities of the tramway company in respect of the undertaking or part of the undertaking purchased shall be transferred to and vested in and may be exercised by and shall attach to the Corporation.

Power to Corporation to work tramways.

29.—(1) Section 19 (Corporation may in certain cases work tramways) of the Act of 1893 is hereby repealed.

(2) Subject to the provisions of any lease thereof for the time being subsisting the Corporation notwithstanding anything in the Tramways Act 1870 or in any other Act or Order to the contrary may place and run carriages on and may work and may demand and take tolls and charges in respect of any of the authorised tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working of the authorised tramways by animal or mechanical power and may sell or dispose of such of the before-mentioned articles and things as are not for the time being required.

Regulations.

30. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portion of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Street Improvements.

Street improvements.

31. The Corporation may appropriate the lands which they are by this Act authorised to acquire in or abutting on Library Street King Street Wallgate Orchard Street and Scholes for the purpose of widening and improving those streets.

As to approach road of

32. In widening and improving Wallgate under the powers of this Act so far as the same shall affect the approach road of the

London and North Western Railway Company numbered 68 on the deposited plans the same shall be carried out so as not to alter the existing levels of the said approach road and so as to preserve to the said Company the same free access to and from their premises and Wallgate over such approach road as they now enjoy.

London and North Western Railway Company.

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

Power to retain sell &c. lands.

Water.

34. The Corporation may upon the lands in the township of Haigh which they are authorised by this Act to acquire and upon the adjoining lands belonging to the Corporation make and maintain settling tanks and other works and conveniences for the purposes of and in connexion with the existing or authorised waterworks of the Corporation.

Construction of settling tanks.

Exchange of Mining School Lands.

35.—(1) The trustees for the Wigan and District Mining and Technical School (in this section called "the trustees") may convey to the Corporation the lands described in Part I of the Third Schedule and the Corporation may convey to the trustees the lands described in Part II of the same schedule and (when they shall have been acquired by the Corporation) the lands numbered 77 and 78 on the deposited plans.

Exchange of lands.

(2) The conveyances authorised by this section may be made upon or subject to such terms and conditions as may be agreed between the trustees and the Corporation.

(3) The trustees shall hold the lands conveyed to them under this section upon the same trusts and for the same purposes as they now hold the lands described in Part I of the Third Schedule.

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(4) The Corporation may use the lands conveyed to them under this section for the purpose of extending their public baths or for any other purpose for which they are by any general or local Act authorised to acquire or hold lands.

MARKETS.

Licences for sale of cattle out of market.

36. The Corporation may grant to any person a licence to sell and expose offer and exhibit for sale and to permit to be sold and exposed offered and exhibited for sale any cattle horses sheep or pigs in any place within the borough other than a market place or market house every such licence being granted for such consideration on such terms and conditions and for such period as the Corporation think fit and to be revocable in such cases as the Corporation prescribe and while any licence granted in pursuance of this section shall be in force no person who shall sell or expose offer or exhibit for sale or permit to be sold or exposed offered or exhibited for sale any cattle horses sheep or pigs in accordance with the terms and conditions of such licence and in the place in respect of which it shall be granted shall be thereby liable to any of the penalties imposed by the Act of 1874.

Saving for hawkers and for sales in shops.

37. Licensed hawkers selling or exposing for sale any article in respect of the sale or exposure for sale of which any toll stallage or rent is leviable by or payable to the Corporation under the Act of 1874 and persons selling such articles in their own dwelling places or shops shall not be liable to the penalties imposed by section 54 of the last-mentioned Act.

BOROUGH COURTS.

Extension of borough courts.

38. The Corporation may upon the lands delineated on the deposited plans and thereon numbered 70 to 73 (when the same shall have been acquired by the Corporation) extend their borough courts police station and municipal buildings and construct erect and maintain such buildings works and conveniences as may be necessary or proper for that purpose.

PUBLIC CONVENIENCES.

Public conveniences and lavatories.

39. The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories in or under any street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than an urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such

sanitary conveniences and lavatories and as to the conduct of persons resorting to the same and may let any such sanitary conveniences and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.

FINANCIAL.

Power to borrow.

40.—(1) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say) :—

(*a* For the construction of the tramways authorised by this Act and the purchase of the undertaking authorised by the Order of 1895 the sum of thirty-three thousand five hundred pounds ;

(*b*) For the purchase of lands for and the construction of the street improvements authorised by this Act the sum of twelve thousand pounds ;

(*c*) For the purpose of the execution of the powers of the Corporation under section 154 of the Public Health Act 1875 (that is to say) For the purpose of the widening opening enlarging or otherwise improving of any street or for the purpose of making any new street (as therein provided) or for defraying the expenses incurred for those purposes the sum of twenty thousand pounds ;

(*d*) For the purchase of the land for and the construction of the settling tanks and other works and conveniences authorised by this Act the sum of three thousand pounds ;

(*e*) For the purchase of the lands authorised to be acquired by the Corporation and conveyed to the trustees of the Wigan and District Mining and Technical School such sum as may be necessary for that purpose ;

(*f*) For the extension of the borough courts police station and municipal offices of the Corporation and the purchase of land for that purpose the sum of one thousand five hundred pounds ;

(*g*) For the construction of public conveniences and lavatories in pursuance of the powers of this Act the sum of two thousand pounds ;

(*h*) For the payment of the costs charges and expenses of this Act as herein-after provided such sum as may be necessary for the purpose.

(2) The Corporation may with the consent of the Board of Trade borrow such further moneys as may be necessary for the purposes of the tramway undertaking of the Corporation and with the consent of the Local Government Board such further moneys as may be necessary for any of the other purposes of this Act.

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(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may charge as regards moneys borrowed for the purposes of their tramway undertaking the borough fund and borough rate and the revenue of that undertaking as regards the purposes (*b*) (*c*) and (*g*) the district fund and the general district rate as regards the purposes (*d*) the district fund and the general district rate and the revenue of the water undertaking of the Corporation and as regards the purposes (*e*) (*f*) and (*h*) the borough fund and borough rate Provided that the provisions of this sub-section shall not limit the power conferred upon the Corporation by this Act to issue one form of mortgage charging the whole of their revenues.

Certain regulations of Public Health Act as to borrowing not to apply.

41. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

42. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Periods for repayment of money borrowed.

43. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (*a*) and (*g*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (*b*) (*c*) (*d*) (*e*) and (*f*) in the said section mentioned within sixty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (*h*) in the said section mentioned within ten years of the date or dates of the borrowing of the same;

As to moneys borrowed with the consent of the Board of Trade or the Local Government Board within such period as the respective board may sanction.

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Mode of payment off of money borrowed.

44. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

45.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed periods the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

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

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

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which

it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine. A.D. 1898.

Power to re-borrow.

46. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

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

47.—(1) The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds to be recoverable by the Local Government Board by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application of money borrowed.

48. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are

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authorised to be borrowed and to which capital is properly applicable.

Proceeds of sale of surplus lands.

49. The proceeds of the sale of any lands acquired and sold by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be reborrowed.

Power to use one form of mortgage for all purposes.

50.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fourth Schedule or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with Wigan Corporation redeemable stock and with all other securities granted by the Corporation at any time after the date of the first creation of such stock.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) There shall be kept at the office of the Corporation a register of the mortgages under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and description of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the treasurer or other the

person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule or to the like effect.

(8) There shall be kept at the office of the Corporation a register of the transfers of mortgages under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the treasurer who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and description of the parties thereto as stated in the transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to releaso or discharge any such mortgage or any money secured thereby.

(10) If the treasurer wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Protection of lender from inquiry.

51. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

52. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

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Appointment of receiver.

53. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest 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 not be less than one thousand pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Power to use loans fund instead of exercising borrowing powers.

54.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose the Corporation may exercise such power either wholly or partially by using for such purpose any money for the time being forming part of the Wigan Corporation Consolidated Loans Fund (in this Act called "the loans fund").

(2) The Corporation when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the loans fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys in the loans fund and shall determine from which account in the loans fund having amounts to its credit the said sum shall be deemed to be withdrawn;

(*b*) Transfer stock at par value equal to the sum withdrawn from the loans fund from the last-named account to the account in respect of which the borrowing power is exercised.

(3) The provisions of the Act of 1889 shall apply to the moneys withdrawn from the loans fund and to the stock so transferred as aforesaid as though such money had been raised by the issue of further stock and to such transferred stock as though it were originally issued stock.

(4) On every transfer of stock as aforesaid when the whole amount of stock standing to the debit of the particular account is not transferred the amounts payable to the loans fund in respect to the stock not transferred shall be such as the Local Government Board approve.

(5) Where in exercise of the powers of this section the Corporation use money forming part of the loans fund and transfer stock in respect thereof the original loan shall pro tanto be deemed to have been paid off as if the amount of stock transferred had been redeemed out of the loans fund.

(6) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Collection of local rates.

55.—(1) The Corporation may appoint and remove officers to collect the poor rate general district rate water rate and rent and

any other rates leviable by the Corporation or by the overseers of the township of Wigan and the salaries and expenses of such officers shall be paid out of the poor rate and other local rates in such proportions as the Corporation shall determine.

(2) From and after the appointment by the Corporation of officers for the collection of the poor rate the powers and duties of any assistant overseer appointed by the guardians of the poor of the Wigan Union shall cease in respect of the township of Wigan.

(3) Any assistant overseer for the township of Wigan who shall be in office at the time of the appointment by the Corporation of officers for the collection of the poor rate and for whom no equivalent office shall be found by the Corporation or by the guardians of the poor of the Wigan Union shall be deemed to be an officer within the meaning of section 120 (Compensation to existing officers) of the Local Government Act 1888 and that section shall apply accordingly Provided that in the application of that section the Local Government Board shall be substituted for the Treasury and the Corporation shall be deemed to be the county council and that the non-acceptance of any office offered shall not be a bar to the right of any assistant overseer to compensation.

(4) Any compensation payable by the Corporation under this section shall be paid out of the borough fund.

(5) The Local Government Board may prescribe a form of rate to include the poor rate borough rate general district rate water rate and rent or other rates leviable by the Corporation or the overseers for the township of Wigan and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

Provision for rating new buildings.

56. Where in pursuance of section 38 of the Poor Law Amendment Act 1868 the occupier of any new house or other building shall be entered in the poor rate book the Corporation or a person nominated by them for the purposes of this section may make a similar entry in the general district rate book of the Corporation and such occupier shall thereupon be deemed to be rated to the current general district rate from the date of the last-mentioned entry and shall be liable to pay the sum assessed to that rate (less a proportionate sum for the time which shall have elapsed from the making of the current rate to the date of the last-mentioned entry) in like manner and with the like power of appeal as if he had been rated for the same when such general district rate was made and the power to rate owners instead of occupiers in certain cases and the provision as to the assessment of certain property on a reduced estimate and other the provisions of section 211 of the Public

A.D. 1898.

Health Act 1875 shall so far as the same are applicable apply to the assessment authorised by this section The words "house or other building" in this section shall for the purposes thereof be deemed to include any rateable hereditament.

Bands of music.

57.—(1) The Corporation may pay or contribute towards the payment of bands of music to perform in any park recreation ground pleasure ground or building for the time being belonging to or under the control of the Corporation or in any other place in the borough to which the public may resort and the Corporation may enclose a small area of any such park recreation ground or pleasure ground within which such bands shall play and may make byelaws for regulating the time and place for the playing of the bands the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the bands.

(2) The payments or contributions of the Corporation for or toward such bands shall be paid out of the district fund and general district rate and shall not in any one year exceed the rate of one halfpenny in the pound on the net annual value of the property in the borough assessable to the general district rate.

Amendment of Wigan Gas Act 1861.

58. From and after the passing of this Act section 42 of the Wigan Gas Act 1861 shall be read as if the words "twenty-eight days" were inserted therein instead of "thirty days."

Expenses of execution of Act.

59. Any expenses incurred by the Corporation in the execution of this Act with respect to which no other provision is made shall be defrayed out of the district fund and general district rate or the borough fund as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Audit of accounts.

60. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

MISCELLANEOUS.

Inquiries by Local Government Board.

61.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

As to byelaws.

62. The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws which the Corporation are by this Act authorised to make except byelaws with respect to tramways.

Authentication and service of notices.

63. Where any notice summons or other document (except a conveyance contract or security) under this Act requires authentication by the Corporation the signature thereof by the town clerk shall be a sufficient authentication and any notices summonses and other documents required or authorised to be served under this Act may be served in manner prescribed by section 267 of the Public Health Act 1875.

Powers of Act cumulative.

64. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by any general or local Act and such other powers may be exercised in the same manner as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Recovery of penalties.

65. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Penalties to be paid over to the treasurer.

66. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered from the Corporation or any officer of the Corporation be paid to the treasurer and be by him as to penalties in connexion with tramways carried to the credit of the borough fund and as to penalties in connexion with other matters to the credit of the district fund.

Costs of Act.

67. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PREMISES OF WHICH PORTIONS ONLY ARE REQUIRED.

Borough District or Parish.	Number on deposited Plans.
Borough of Wigan - - -	37 to 41.

THE SECOND SCHEDULE.

REPEAL OF PROVISIONS OF TRAMWAYS ACTS AS TO MECHANICAL POWER.

Act or Order.	Enactments repealed.
Wigan Tramways Order 1884 -	Sections 28 to 31 34 to 36 and the schedule.
Wigan Corporation Act 1893 -	So much of section 16 as renders the sections of the Order of 1884 repealed by this Act applicable to and in relation to the tramways authorised by the Act of 1893 and sections 14 and 19.
Wigan and District Tramways Order 1895.	Section 10 and so much of section 14 as renders the provisions of the Order of 1884 repealed by this Act applicable to and in relation to the tramways authorised by the Order of 1895.

THE THIRD SCHEDULE.

Part I.

Lands now belonging to Trustees for Mining School.

A piece of land (containing 1582 square yards or thereabouts) situate in the borough bounded on the north-east by the public baths belonging to the Corporation on the south-east by a passage or roadway from Millgate to Library Street on the south-west by Library Street and on the north-west by land and premises in part belonging or reputed to belong to Charles Fairclough and John Worswick and in other part by lands belonging to the Corporation.

Part II.

Lands now belonging to Corporation.

A piece of land (containing 2306 square yards or thereabouts) situate in the borough bounded on the north-east by lands and premises belonging or reputed to belong to the Reverend John Nathaniel Quirk the Right Honourable the Earl of Crawford James Marsden Thomas Airey Edward Worthington and William Worthington on the south-east by an intended new street from Millgate to Library Street on the south-west by Library Street and on the north-west by an intended new street from Millgate to Library Street.

THE FOURTH SCHEDULE.

Form of Mortgage.

By virtue of the Wigan Corporation Act 1898 we the mayor aldermen and burgesses of the borough of Wigan in consideration of the sum of
paid to the treasurer of the said borough by A. B. of
(herein-after called "the mortgagee") do grant and assign unto the mortgagee his executors administrators and assigns such proportion of the revenues of the Corporation as defined by the said Act as the sum so paid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said revenues To hold to the mortgagee his executors administrators and assigns from the day of the date hereof until the said sum of
with interest at the rate of per centum per annum for the same shall be fully paid and satisfied And it is hereby declared that the said principal sum shall be repaid on the day of at

Dated the day of one thousand
hundred and

A.D. 1898.

FORM OF TRANSFER OF MORTGAGE.

I A. B. of in consideration of the sum of paid to me by C. D. of do hereby transfer to the said C. D. his executors administrators and assigns a certain mortgage bearing date the day of and made by the mayor aldermen and burgesses of the borough of Wigan in pursuance of the Wigan Corporation Act 1898 for securing the sum of and interest thereon at per centum per annum [*or if such transfer be by endorsement on the mortgage insert instead of the words immediately following the word "assigns"* the within security] and all my right estate and interest in and to the money thereby secured and in and to the revenues thereby assigned.

In witness whereof I have hereunto set my hand and seal the day of one thousand hundred and .

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