



CHAPTER xxii.

An Act to authorise the Corporation of Bury to construct additional tramways within and adjacent to the borough to make certain street works and improvements and for other purposes. [2nd July 1901.] A.D. 1901.

WHEREAS the county borough of Bury (hereinafter called "the borough") is a municipal borough under and subject to the Municipal Corporations Act 1882 and is also a county borough under the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") acting by the council are the sanitary authority for the district of the borough under the Public Health Act 1875 and are also the local authority for the same district within the meaning of the Tramways Act 1870:

And whereas the laying down of additional tramways within and outside the borough would be of local and public advantage and it is expedient that the Corporation be authorised to lay down construct and maintain the same accordingly and that further provision should be made as hereinafter mentioned in regard to the motive power to be used on the Corporation tramways and as to the working by the Corporation of those tramways:

And whereas it would be of public and local advantage if the tramways within the borough were worked in connexion with other tramways tramroads or light railways within the borough or in the adjoining or neighbouring districts and it is therefore expedient that the Corporation should be empowered to purchase and take leases of and to work or run over such last-mentioned tramways tramroads or light railways and that further facilities as are hereinafter provided should be afforded for the working of tramways tramroads or light railways beyond the borough:

And whereas the Corporation are the undertakers for supplying electric power or energy within the borough and it is expedient that the Corporation should be authorised to use electric or other

[Ch. xxii.] *Bury Corporation Tramways Act, 1901.* [1 EDW. 7.]

A.D. 1901. — mechanical power on the tramways acquired or to be acquired or constructed by them and to supply electricity for power and lighting purposes by agreement to any local authority outside the borough along the route of any tramway owned or worked by the Corporation and to the owners of tramway tramroad or light railway undertakings connected with any tramways within the borough :

And whereas it is expedient that the Corporation should be authorised to make and maintain the street improvements and works in this Act authorised :

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

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

For the purposes of their tramway undertaking one hundred and thirty-two thousand pounds ;

For electrical purposes in connexion with the tramways thirty-nine thousand pounds ;

For street works one hundred and fourteen thousand pounds :

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

And whereas it is expedient that the Corporation should be empowered to raise money for the purposes of this Act :

And whereas it is expedient that the other provisions in this Act contained should be sanctioned :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of December one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Bury Times 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 rates leviable within the borough :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board: A.D. 1901.

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 third day of January one thousand nine hundred and one 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 have consented to the promotion of the Bill for this Act:

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):—

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the *Bury Corporation Tramways Act 1901.* Short title.

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Tramways.

Part IV.—Street Works.

Part V.—General Provisions common to Tramways
and Street Works.

Part VI.—Electricity.

Part VII.—Finance.

Part VIII.—Miscellaneous.

3. The provisions of the Lands Clauses Acts and of section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act. Incorporation of
general Acts.

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Interpreta-
tion.

4. In this Act unless the subject or context otherwise requires—

- “The borough” means the county borough of Bury;
- “The Corporation” means the mayor aldermen and burgesses of the borough;
- “The council” means the council of the borough;
- “The town clerk” means the town clerk of the borough;
- “The treasurer” means the treasurer of the borough;
- “Borough fund” “district fund” “general district rate” and “the Bury general rate” mean respectively the borough fund district fund general district rate and the Bury general rate of the borough;
- “The tramways” means the tramways and tramway works by this Act authorised;
- “The Corporation tramways” includes the tramways by this Act authorised and all tramways tramroads or light railways for the time being belonging to or leased or worked by the Corporation or on which the Corporation may have power to place or run carriages;
- “Mechanical power” includes steam compressed air electrical and every other motive power not being animal power;
- “Engine” includes motor;
- “Tramway revenue” means all the revenue of the Corporation tramways;
- “Statutory security” shall have the same meaning as that assigned to it by the Bury Corporation Act 1899;
- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same.

PART II.

LANDS.

Power to
acquire
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 delineated on the deposited plans and described in the deposited books of reference.

Period for
compulsory
purchase of
lands.

6. 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.

7. 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.

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Persons
empowered
by Lands
Clauses Acts
to sell lands
may grant
easements
&c.

8. The Corporation may appropriate and use with the approval of the Local Government Board and subject to such conditions as the Board may think fit to impose for any of the purposes of this Act any lands or property for the time being vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

Power to
appropriate
lands.

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

Power to
purchase
additional
lands by
agreement.

10. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Considera-
tion for such
acquisition.

11. 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 books 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 (not being members of the council) 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 shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk.

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

A.D. 1901. of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books 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.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

Restrictions
on displacing
persons of
labouring
class.

12.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any borough or any other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new buildings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1901.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if they think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and

A.D. 1901. — issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under 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.

(9) For the purposes of this section —

The expression “house” means any house or part of a house occupied as a separate dwelling; and

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 such persons who may be residing with them.

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

13.—(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 property 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 Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term “the owner” and the said properties are hereinafter 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 it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto 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 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

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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.

Power to
improve
lands
vested in
Corporation.

14. Subject to the provisions of this Act the Corporation may for the improvement of the borough lay out in streets roads or squares any lands acquired by them under the powers contained in the section of this Act the marginal note of which is "Power to acquire lands" or any other lands vested in them and may level pave flag tile and sewer such streets roads or squares and may stop up and discontinue and extinguish all rights of way (if any) on any of such lands and appropriate to the purposes aforesaid or any of them all roads ways and footpaths (if any) in upon and over such lands and may let for building purposes all or any of such lands at such annual rents and on such terms and conditions as they may deem fit.

Power to
retain sell
&c. lands.

15. 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 and may from time to time 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 or any interest therein acquired by them under this Act.

Proceeds of
sale of
surplus
lands.

16. So long as any lands remain to be acquired by the Corporation under the authority of this Act and the Corporation possess unexhausted borrowing powers for the purpose of the acquisition of such lands they may so far as they consider necessary

apply moneys received by them on resale or exchange or by leasing as aforesaid in the purchase of lands so remaining to be acquired but as to moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board :

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Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such land :

Provided further that the borrowing powers by this Act authorised for the acquisition of such land shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

17. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Reverend Foster Grey Blackburne and of other the rector for the time being of the parish and parish church of Bury in the county of Lancaster (in this section referred to as "the rector") shall except in so far as may be otherwise agreed between the rector and the Corporation apply and have effect (that is to say) :—

For protection of rector of Bury.

(1) The Corporation shall not acquire any part of the lands delineated on the plan (in the section referred to as "the signed plan") signed in triplicate by William Eagle on behalf of the rector and Arthur Walter Bradley the borough surveyor on behalf of the Corporation other than the lands coloured yellow green and purple on the signed plan and in the event of their acquiring any of such lands the Corporation shall—

(A) Construct and maintain a public road forty-two feet in width in the situation shown on the signed plan such road to be opened to the public within two years after the acquisition by the Corporation of any of the said lands ;

(B) Construct a coursed stone wall twelve feet in height with stone coping between the points marked respectively "C" and "D" on the signed plan such wall to be constructed subject to the reasonable approval of the rector on land belonging to the rector which wall when constructed shall vest in the rector ;

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(c) Forthwith acquire the estates and interests of all parties other than the rector in the lands shops and buildings coloured yellow on the signed plan and pull down the buildings thereon and surrender the sites thereof to the rector for the then unexpired term or terms of year or years therein and the rector is hereby authorised to accept such surrenders on payment by him to the Corporation of the value of the leasehold interest in the sites as vacant land subject to the value of the lessors' interest therein under the existing leases :

(2) At any time after the Corporation have surrendered to the rector the leases of the lands coloured yellow on the signed plan the rector shall by deed or deeds duly executed demise the said lands coloured yellow together with the lands coloured red on the signed plan by way of building lease or leases for a term not exceeding ninety-nine years at the best and most improved ground rent that can be had and obtained and on similar conditions both as to the payment of rents and as to covenants and reservations as those now usually granted by the rector of other parts of the glebe . Provided as follows :—

(A) Nothing in the nature of a fine or premium shall be taken in respect of any such lease or leases ;

(B) The lessees shall execute a counterpart of every such lease and shall thereby covenant for the due payment of the rent thereby reserved for the erection within a time to be thereby specified upon the land included therein of such houses shops or other buildings as shall be therein mentioned (such houses shops or buildings not to exceed two storeys or twenty-four feet in height from the level of the street to the eaves) without any windows doors or other openings on the northerly or north-westerly sides thereof and for the repair and keeping in repair the said houses shops and other buildings and for the surrender of the demised premises at the expiration or sooner determination of the lease ;

(c) Every such lease shall contain a condition of re-entry for non-payment within a reasonable time to be therein specified of the rent thereby reserved or for the non-performance or non-observance of the covenants or conditions therein contained and on the part of the lessee to be observed or performed :

- (3) Independently of all costs which the Corporation may become liable to pay under the provisions of the Lands Clauses Acts they shall also pay to the rector all costs charges and expenses incurred by him of and incidental to every such surrender or surrenders and the costs of and incidental to ascertaining the value of the rector's estate and interest to be dealt with under these provisions and of carrying the same into effect and the several lessees shall pay the lessor's costs of such new leases and the counterparts thereof :
- (4) If any dispute or difference shall arise between the rector and the Corporation touching anything herein contained or the construction of the provisions of this section or the rights duties or liabilities of either party under this section the matter in dispute or difference shall be referred to arbitration under the Arbitration Act 1889 :
- (5) One of the signed plans shall within two weeks after the passing of this Act be deposited in the Parliament Office of the House of Lords another in the Private Bill Office of the House of Commons and the third with the town clerk at his office :
- (6) Copies of the signed plan deposited with the town clerk in pursuance of this section certified by him to be true copies shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of such plan.

PART III.

TRAMWAYS.

18. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain wholly in the county of Lancaster the tramways hereinafter described 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 with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places triangles waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith (that is to say) :—

Power to
make
tramways.

Tramway No 1 (6 furlongs 4·16 chains in length whereof 4 furlongs 9·16 chains is single line and 1 furlong 5 chains is double line) commencing at the terminus of the existing tramway in Market Street in the township or parish of Tottington and passing in a south-easterly direction along

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Market Street and Bury Road and terminating in the centre of such road at the boundary of the urban district of Tottington and the borough :

Tramway No. 1 will be situate wholly in the urban district of Tottington :

Tramway No. 2 (6 furlongs 9 chains in length whereof 5 furlongs 6 chains is single line and 1 furlong 3 chains is double line) commencing by a junction with Tramway No. 1 at its termination and passing along Tottington Road and terminating in the centre of such road at a point opposite the northerly side of Orrell Street :

Tramway No. 3 (a double line 6 furlongs 3·33 chains in length) commencing by a junction with Tramway No. 2 at its termination and passing along Tottington Road Croston's Road Elton Road Bury Bridge Bolton Street Market Place and Fleet Street and terminating in the last-named street at a point 17 yards measured in an easterly direction from the centre of Union Street :

Tramway No. 4 (a single line of tramway 2 furlongs 7·72 chains in length) commencing by a junction with Tramway No. 3 at its termination and passing in a north-easterly direction along an intended new street from Fleet Street to Parsons Lane in lieu of the existing street known as Tithebarn Street and thence along Parsons Lane Paradise Street and Walmersley Road and terminating in the last-named road at a point $12\frac{1}{2}$ yards measured in a northerly direction from the north side of Paradise Street :

Tramway No. 5 (a single line 2 furlongs 6·2 chains in length) commencing by a junction with Tramway No. 3 at its termination and passing along Fleet Street Rock Street Stanley Street Water Street and Walmersley Road and terminating in the last-named road at the same point mentioned as the termination of Tramway No. 4 :

Tramway No. 6 (1 mile 7·78 chains in length whereof 1 mile 6·28 chains is double line and 1·5 chains is single line) commencing by a junction with Tramways Nos. 4 and 5 at their termination and passing along Walmersley Road to a point 33 yards measured in a southerly direction from the south side of How Lane and terminating at the terminus of the existing tramway in Walmersley Road at Limefield :

Tramway No. 7 (a single line 3 furlongs 8·25 chains in length) commencing by a junction with Tramway No. 3 in Fleet Street at a point 35 yards measured in an easterly direction from

Peel's monument and passing along Market Place Market Street Princes Street King Street and Rochdale Road and terminating in the last-named road at a point 16 yards measured in an easterly direction from the centre of King Street :

Tramway No. 8 (6 furlongs 9·73 chains in length whereof 6 furlongs 7·73 chains is double line and 2 chains is single line) commencing by a junction with Tramway No. 7 at its termination and at the same point with Tramway No. 11 (to be afterwards described) and passing along Rochdale Road to a point 15 yards measured in a westerly direction from the centre of the road near Heap Bridge leading to Bridge Hall and continuing to the boundary of the borough at Heap Bridge and terminating in the centre of such road at such boundary :

Tramway No. 9 (a single line 0·85 chain in length) commencing by a junction with Tramway No. 8 at a point in Rochdale Road 82 yards measured in an easterly direction from the commencement of such Tramway No. 8 and passing in a south-easterly direction across Rochdale Road and terminating in the intended car depôt in Rochdale Road :

Tramway No. 10 (a single line 0·90 chain in length) commencing by a junction with Tramway No. 8 at a point in Rochdale Road 14 yards measured in a westerly direction from a point in such road opposite the centre of Foundry Street and passing in a south-westerly direction across Rochdale Road and terminating in the intended car depôt in Rochdale Road :

Tramway No. 11 (a single line 1 furlong 3·18 chains in length) commencing by a junction with Tramway No. 5 in Rock Street at a point opposite the centre of Eden Street and passing along Rock Street Clough Street and Rochdale Road and terminating by a junction with Tramways Nos. 7 and 8 in the last-named road at a point 16 yards measured in an easterly direction from the centre of King Street :

Tramway No. 12 (a single line 2 furlongs 9·6 chains in length) commencing by a junction with Tramway No. 7 in Market Street at a point opposite the west side of Haymarket Street and passing along Market Street Haymarket Street Knowsley Street and Manchester Road and terminating at a point in the last-mentioned road opposite the fountain :

Tramway No. 13 (a single line 1·84 chains in length) commencing by a junction with Tramway No. 7 in the Market Place at a point 42 yards measured in a southerly direction from Peel's monument and terminating in the Market Place by a junction

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with Tramway No. 3 at a point 24 yards measured in a south-westerly direction from Peel's monument :

Tramway No. 14 (a single line 3 furlongs 2·95 chains in length) commencing by a junction with Tramway No. 3 in the Market Place at a point 17 yards measured in a north-easterly direction from the centre of Silver Street and Bolton Street and passing along the Market Place Silver Street and Manchester Road and terminating at the same point opposite the fountain described as the termination of Tramway No. 12 :

Tramway No. 15 (1 mile 4 furlongs 2·08 chains in length whereof 1 mile 3 furlongs 8·48 chains is double line and 3·6 chains is single line) commencing by a junction with Tramways Nos. 12 and 14 at their termination and passing along Manchester Road in a southerly direction to a point 10 yards measured in a southerly direction from the south side of Major Street and terminating in the centre of such road at the boundary of the borough at Blackford Bridge :

Tramways Nos. 2 to 15 inclusive will be situate wholly in the borough :

Tramway No. 16 (4 furlongs 4·7 chains in length whereof 3 furlongs 4·1 chains is single line and 1 furlong 0·6 chain is double line) commencing by a junction with Tramway No. 15 at its termination and passing along Bury New Road and terminating in the centre of such road at the boundary of the township or parish of Unsworth and the boundary of the township or parish of Whitefield :

Tramway No. 16 will be situate wholly in the parish of Unsworth :

Tramway No. 20 (1 furlong 7·63 chains in length whereof 9·55 chains is single line and 8·08 chains is double line) commencing at the boundary of the borough in Dumers Lane and passing in a north-easterly direction along Dumers Lane and into Manchester Road and terminating in the last-named road by a junction with Tramway No. 15 at a point 25 yards measured in a northerly direction from the centre of Dumers Lane :

Tramway No. 21 (a double line 1·78 chains in length) commencing by a junction with Tramway No. 20 in Dumers Lane at a point $23\frac{1}{2}$ yards measured in a westerly direction from the centre of Manchester Road and passing into Manchester Road and terminating by a junction with Tramway No. 15 in the last-named road at a point 21 yards measured in a southerly direction from the centre of Dumers Lane :

Tramway No. 22 (6 furlongs 0·55 chain in length whereof 5 furlongs 9·05 chains is double line and 1·5 chains is single line) commencing in Bolton Road opposite the south-westerly corner of the Wellington Barracks and passing in a north-easterly direction along Bolton Road for a distance of 33 yards continuing along Bolton Road and Bury Bridge and terminating by a junction with Tramway No. 3 on Bury Bridge at a point 27 yards measured in a south-easterly direction from the centre of Woodhill Road :

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Tramway No. 23 (a single line 2·55 chains in length) commencing by a junction with Tramway No. 4 in Paradise Street at a point 22 yards measured in a westerly direction from the centre of Walmersley Road and passing in an easterly direction along Paradise Street and across Walmersley Road and into Moorgate and terminating by a junction with Tramway No. 25 (hereinafter described) at a point in Moorgate 34 yards measured in an easterly direction from the centre of Walmersley Road :

Tramway No. 24 (a single line 2·65 chains in length) commencing by a junction with Tramway No. 5 at a point in Water Street 25 yards measured in a southerly direction from the south side of Paradise Street and passing in a north-easterly direction along Water Street and along Moorgate and terminating by a junction with Tramways Nos. 23 and 25 at the same point described as the termination of Tramway No. 23 :

Tramway No. 25 (1 mile 4 furlongs 2·73 chains in length whereof 1 mile 1 furlong 1·28 chains is single line and 3 furlongs 1·45 chains is double line) commencing by a junction with Tramways Nos. 23 and 24 at their termination in Moorgate and passing along Moorgate Barn Brook Bell Lane and Rochdale Old Road and terminating in the last-named road at a point 274 yards measured in an easterly direction from the Game Cock Inn :

Tramways Nos. 20 to 25 inclusive will be wholly situate in the borough.

19. For the protection of the Bury and District Joint Water Board (in this section referred to as "the board") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed between the board and the Corporation have effect (that is to say) :—

Protection of
mains of
Bury and
District
Joint Water
Board.

(a) If it be proved that any injury or damage to any water pipes or other metallic pipes structures or substances of the board shall have resulted from fusion or electrolytic action caused by

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any currents generated or used by the Corporation for the purpose of electric traction under this Act nothing in this Act shall relieve the Corporation from any liability to make compensation for any such injury or damage which would have existed but for the passing of this Act :

(b) The Corporation shall repay to the board the amount of capital expended by them in the providing and laying of mains and service pipes for the supply of water in those highways or streets or parts of highways or streets which the Corporation shall stop up and appropriate under the powers of this Act and such mains and pipes so dispensed with shall be the property of the Corporation :

(c) The provisions of sections 30 32 and 33 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the water mains pipes and apparatus of the board and shall be construed as if "board" were mentioned in those sections in addition to "company body persons or person" Provided that any penalties recovered under section 30 of the said Act shall be applied by the board as revenue arising from their undertaking.

For protec-
tion of Lan-
cashire
County
Council.

20. In addition to any other provisions in this Act contained the Corporation shall at their own expense pave so much of any main road whereon Tramways Nos. 1 and 16 shall be laid as lies between the rails of the tramway (and where two tramways are laid the portion of the road between the tramways) and in every case so much of the road as extends eighteen inches beyond and on the outside of any such tramway with granite setts on concrete foundations to the satisfaction of the surveyor of the county council of the county of Lancaster (in this section called "the county council") and shall at all times maintain and keep the same in good repair and condition and if the Corporation at any time fail to maintain and keep the same in good condition and repair to the satisfaction of the surveyor of the county council they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in the manner provided by section 56 of the Tramways Act 1870 by the county council.

Where the nearest rail of the Tramways Nos. 1 and 16 is of a less distance than seven feet from the outer edge of the footpath or carriageway on either side the Corporation shall at their own expense maintain to the satisfaction of the county surveyor the space between the rail and footpath or boundary of the carriageway for the full length of such space.

In conjunction with the construction of the tramways upon the main road in the district of Tottington the Corporation shall if required by the county council and at such places as the county council may fix widen at their own expense the carriageway of such road by taking off a portion of the footway.

The terminus of Tramway No. 20 by this Act authorised shall not be less than sixty yards from the centre of the hundred bridge known as Hardy's Gate Bridge.

In case mechanical power is to be used on any portion of the tramways which are to be laid upon or over any hundred bridge the county council may before any such tramways are open for public traffic execute such works as may be agreed between their bridge master and the surveyor to the Corporation (or in case of difference between them as may be determined by the Board of Trade) as being necessary for the strengthening of the structure of any such hundred bridge provided such strengthening is needed for and by reason of the tramway apart from the ordinary traffic on the route in question and the county council may execute such works in all things at the expense of the Corporation and the county council may recover from the Corporation all moneys expended by them in the execution of such works as aforesaid.

The Corporation shall not without the consent in writing of the county bridge master (which consent shall not be unreasonably withheld) place erect or attach any support for any wire or attach any pipe on or to the structure of any such hundred bridge as aforesaid and shall on receiving three months' notice in writing (which notice shall not be unreasonably given) remove any post support or pipe which shall at any time be so placed erected or attached as aforesaid.

Nothing in this Act shall in any way limit or affect the powers of the county council to rebuild alter widen repair or improve the structure of any hundred bridge as aforesaid upon which any work by this Act authorised shall be constructed and in the event of the county council desiring to rebuild alter widen repair or improve any such hundred bridge or its approaches as aforesaid the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by reason of the said rebuilding altering widening repairing or improving as the case may be and the county council shall give the Corporation one month's notice of their intention to carry out such works (except in the case of urgency caused by danger to the traffic) and the county council may require the Corporation at their own expense to remove or temporarily support their rails wires pipes or other

A.D. 1901. — plant in such manner as the circumstances of the case may reasonably require and if it becomes necessary for effecting any such rebuilding altering widening repairing or improving that the working and user of such tramway be wholly or in part stopped or delayed and the county council give the Corporation three days' clear notice in writing requiring such stoppage or delay the working and user of such tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such rebuilding altering widening repairing or improving and the county council shall not be liable for any compensation claims damages costs or expenses for or in respect of such stoppage or delay.

For protec-
tion of Lan-
cashire and
Yorkshire
Railway
Company.

21. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say) :—

- (1) In this section the word "apparatus" includes posts conductors wires tubes mains plates cables ropes apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the Corporation tramways and includes also any openings and ways for the purposes of such apparatus :
- (2) Where any tramway by this Act authorised to be constructed or altered or any tramway on or in connexion with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway canal or canal feeder of the company the Corporation shall so construct or alter and maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto :
- (3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction alteration maintenance repairing user or removal of the Corporation tramways or apparatus the company may at the expense in all things of the Corporation after giving (except in cases of emergency when they shall give the longest notice practicable) not less than seven clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned :

- (4) All works which may be necessary in constructing altering and maintaining the Corporation tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the company :
- (5) In case it shall become necessary in consequence of the existence or user of the Corporation tramways or apparatus to strengthen the fabric of any such bridge the company may after giving to the Corporation fourteen clear days' notice thereof execute such works as may be necessary but in all things at the expense of the Corporation :
- (6) The sleepers and other materials forming the substructure of the Corporation tramways where the same cross any such bridge over the railway canal or canal feeder or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the company :
- (7) Whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Corporation is laid or the approaches thereto or whenever and so often as the company shall find it necessary in consequence of the existence or user of any such tramway to strengthen the fabric of any such bridge and the company shall in any of such events find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall (except in cases of emergency when they shall give the longest notice practicable) give to the Corporation fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Corporation and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such

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stoppage or delay or in any way relating thereto. If the Corporation after such notice make default in diverting taking up or removal of any such tramway or apparatus the company may at the expense of the Corporation effect such diversion taking up or removal :

(8) If it shall be necessary for the purposes of this Act to raise sink or otherwise alter the position of any existing wire cable conductor or other apparatus of the company the Corporation shall give to the company seven clear days' notice thereof and the company may after giving notice to the Corporation themselves carry out such raising sinking or alteration and the costs and expenses thereof and of any other works necessary for the protection of such wire cable conductor or apparatus shall be borne and paid by the Corporation :

(9) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or canals or to any company or person using the same by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission. Provided that the company shall not admit or compromise any such claim or demand without the consent in writing of the Corporation :

(10) No additional crossing passing-place siding junction turnout or other work shall be made for or in connexion with so much of any tramway as will extend over the distance in front of the entrance to any passenger or goods station of the company and as will extend for a length of ten yards at each end of such distance :

(11) In working Tramway No. 3 by this Act authorised no tramcar or other vehicle used thereon shall without the consent in writing of the company under their common seal be stopped or permitted to be stopped in front of the entrance to the Bury (Bolton Street) Station of the company or within a distance of ten yards on either side thereof except only for so long as shall be necessary for setting down or taking up passengers :

(12) If any difference shall arise under this section between the Corporation and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870. A.D. 1901.

22. Where any tramway constructed under this Act shall pass any land or building vested in or under the control of the Secretary of State for the War Department no crossing passing-place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing-place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so. For protection of Secretary of State for War.

The Corporation or their lessees shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings.

23. The tramways shall not be open for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

24. If and whenever after the passing of this Act the Corporation alter the level of any road along or across which any part of any of the tramways outside the borough is laid or authorised to be laid they may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Tramways to be kept on level of surface of road.

25. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a Provisions as to construction of tramways.

[Ch. xxii.] *Bury Corporation Tramways Act, 1901.* [1 EDW. 7.]

A.D. 1901. — statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively (except for the purpose of necessary repairs) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement. A copy of the said plan and statement so far as the same relate to the tramways to be constructed in any district outside the borough shall at the same time as the said plan and statement are laid before the Board of Trade be delivered by the Corporation to the local authority of such district.

Gauge of tramways.

26. The tramways shall be constructed on a gauge of four feet and eight and a half inches but carriages or trucks adapted for use upon railways shall not be run thereon.

As to rails of tramways.

27. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads.

28.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a further penalty not exceeding five pounds for every day on which such non-compliance continues after conviction thereof.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough or any of the said parishes or urban districts that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Passing-places to be constructed

29. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath

on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall and they are hereby required to construct a passing-place or places connecting the one tramway with the other and by the means of such passing-place or places the traffic shall when necessary be diverted from one tramway to the other.

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where less than a certain width left between footway and tramway.

30. The Corporation in any street in which they have laid down or are authorised to lay down a single line of tramway may with the consent of the Board of Trade in lieu thereof lay down a double line or an interlacing line of tramway and in any street in which they have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consent of the Board of Trade in lieu thereof lay down a single line of tramway and if at any time after the construction of any of the Corporation tramways the street in which the same is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or any part thereof and reconstruct the same in such position in the said street as they think fit Provided that in the exercise of the powers of this section no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between such rail 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 houses shops or warehouses abutting upon 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.

Power to lay down double or interlacing lines in place of single lines and vice versa.

31. The Corporation may subject to the provisions of this Act make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Corporation Provided that in the construction of any such works 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

Power to make additional crossings &c.

A.D. 1901. receiving from the Corporation notice in writing of their intention express their objection thereto :

Provided also that no such work shall be constructed outside the borough except with the consent of the local and road authority within whose jurisdiction such work shall be constructed The request for such consent shall be made in writing under the hand of the town clerk and shall be accompanied by a plan and section of the work for which the consent is requested.

Junctions with tramways which can be worked in connexion with Corporation tramways.

32. The Corporation may form junctions between the Corporation tramways and any tramways within or without the borough which can be worked in connexion therewith but only with the consent of the owners and lessees of such tramways and as to such of them as may be without the borough with the consent of the local and road authority within whose jurisdiction such junctions shall be formed.

Corporation may take up lines for purposes of constructing others.

33. The Corporation for the purposes of constructing any of the tramways in any street whether within or without the borough may take up remove or dispose of or if thought fit may appropriate and use in the construction of such tramway any existing tramway of the Corporation in such street.

Temporary tramway to be made where necessary.

34. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct on the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Corporation may reduce width of footway for constructing tramways.

35. For the purpose of constructing any tramway in any street within the borough the Corporation may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street Provided that no footway be so reduced to a less width than six feet.

Application of road materials excavated in construction of works outside the borough.

36. So far as concerns the construction of the tramways authorised by this Act outside the borough any paving, metalling or material excavated by the Corporation in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways

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within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

37. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

Local authority to have access to sewers.

38. The tramways shall be completed within seven 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 :

Period for completion of works.

Provided that the Board of Trade may if they see fit allow an extension of time as regards some of the tramways or some portion of the tramways only or may direct that the powers of the Corporation shall cease under this section as regards some of the tramways or some portion of the tramways only and not as regards the whole subject in either case to such conditions (if any) as they may see fit to impose.

39. Subject to the provisions of this section the Corporation may exercise the following powers (that is to say) :—

Power to adapt tramways for use of mechanical power.

They may make such alterations of the Corporation tramways and any tramways within or without the borough which

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the Corporation may work by agreement or otherwise in connexion with any of the Corporation tramways or any part or parts thereof and may execute all such works on or in connexion therewith and in over or under the roads in which the same are laid as may be necessary or expedient for adapting the same to be worked by mechanical power and they may lay down construct and maintain on in under or over the surface of any road such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the Corporation tramways or any tramway within or without the borough which may for the time being be connected with any of the Corporation tramways or for connecting any tramways within or without the borough with any tramways within or without the borough which can be worked in connexion with any of the Corporation tramways or for providing access to or forming connexions with any generating station or stations engines machinery or apparatus :

Provided that in the following cases the following consents in writing shall be necessary to enable the Corporation to exercise the power (that is to say) :—

If the power affects any tramway not belonging to the Corporation the consent of the owner and lessee (if any) of such tramway ;

If the power affects any road without the borough the consent of the authority having jurisdiction over such road.

Attachment
of brackets
to buildings.

40. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments

fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :

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- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

41. All works to be executed by the Corporation in any road for working the Corporation tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

42. Subject to the provisions of this Act the Corporation may appropriate and use the lands described in the First Schedule to this Act for the purpose of constructing thereon a station or stations for generating electrical energy and for providing and working thereon engines dynamos and other electrical plant and works and may construct and maintain upon such lands a station or stations for generating electrical energy and may provide and work thereon engines and other electrical plant and works and may by means thereof produce use and supply such energy for any of the purposes of this Act but nothing in this Act shall authorise the Corporation to generate electrical energy elsewhere than on the lands so described.

Lands for generating stations.

43. The power conferred on the Corporation by the Tramways Act 1870 to purchase tramways within the borough is hereby extended so as to authorise the Corporation by agreement to purchase or take upon lease any authorised tramways or tramroads outside the borough which form continuations of authorised tramways or tramroads at any time existing within the borough which can be worked in connexion therewith. Provided that the Corporation shall not exercise such extended power without the consent of the local authorities for the respective districts or parishes in which such tramways may be situate and that nothing

Power to purchase tramways outside the borough.

[Ch. xxii.] *Bury Corporation Tramways Act, 1901.* [1 EDW. 7.]

A.D. 1901. in this Part of this Act contained shall prejudice or affect the powers of the local authorities for the respective districts or parishes in which such tramways may be situate under section 43 of the Tramways Act 1870 :

Provided nevertheless that section 43 of the said Act shall be read and construed with respect to the tramways of the Corporation situate as aforesaid as if a period of forty-two years were therein mentioned instead of a period of twenty-one years.

Working
agreements.

44. The Corporation on the one hand and any person company or local authority on the other hand may enter into agreements with respect to the following purposes or any of them (that is to say) :—

(A) The construction reconstruction electrical equipment maintenance management and repair of any tramways tramroads or light railways within or communicating with the borough for the time being belonging to or in lease to them respectively or any part thereof ;

(B) The use working and leasing of any such tramways tramroads or light railways and the conveyance of traffic thereon ;

(C) The placing and running under any agreement for the working of the respective tramways tramroads or light railways of carriages on any such tramways tramroads or light railways the running of through traffic and the interchange of traffic ;

(D) The payment collection and apportionment of tolls rents or other receipts arising upon the respective tramways tramroads or light railways :

Provided that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed. Provided also that nothing in this section contained shall prejudice or affect the powers of the local authorities for the respective districts or parishes in which such tramways may be situate under section 43 of the Tramways Act 1870 :

Provided nevertheless that section 43 of the said Act shall be read and construed with respect to the tramways of the Corporation situate as aforesaid as if a period of forty-two years were therein mentioned instead of a period of twenty-one years.

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

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Byelaws.

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 Corporation 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 Corporation tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the Corporation 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.

46. The Corporation may demand and take for every passenger travelling upon the Corporation tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than twopence for any less distance than two miles.

Rates for passengers.

47. Notwithstanding anything contained in any other Act or Order relating to the Corporation tramways such tramways may be used for the purpose of conveying and delivering animals goods minerals or parcels Provided always that the Corporation shall not be under any obligation to carry on such tramways unless they think fit any animals goods minerals or parcels except that every passenger travelling upon such tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such

Power to carry animals goods &c. on tramways.

A.D. 1901. — personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form bulk or description to annoy or inconvenience other passengers.

Animals and goods.

48. The Corporation may demand and take in respect of any animals goods materials articles or things conveyed by them on the Corporation tramways including every expense incidental to the conveyance any rates or charges not exceeding the following:—

Animals.

- For every horse mule or other beast of draught or burden fourpence per head per mile;
- For every ox cow bull or head of cattle threepence per head per mile;
- For calves pigs sheep and small animals three half-pence per head per mile.

Goods.

- For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence per ton per mile;
- For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs two and a half pence per ton per mile;
- For all sugar grain corn flour hides dyewoods earthenware timber staves deals metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile;
- For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile;
- For every carriage of whatever description one shilling per mile.

Small Packages.

- For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

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

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

For the carriage of single articles of great weight :—

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

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Corporation may think fit.

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than three miles the Corporation may demand rates and charges as for three miles ;

For the fraction of a ton the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

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

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

In addition to the foregoing rates the Corporation may demand such charges as are reasonable for loading and unloading animals and goods and if any difference shall arise as to the

A.D. 1901.

reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

New rates to apply notwithstanding any Act or Order.

49. The provisions of this Act with reference to tolls rates and charges shall apply notwithstanding anything to the contrary contained in any Act or Order relating to the Corporation tramways.

Heavy traffic confined to certain hours.

50. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the Corporation.

Cheap fares for labouring classes.

51.—(1) The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Payment of tolls.

52. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the Corporation tramways and in such manner and under such regulations as the persons entitled to demand and take such tolls and charges may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of rates and charges.

53. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by

twenty inhabitant ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

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54. The following sections of the Bury Corporation Act 1899 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 by this Act authorised:—

Applying certain provisions of Bury Corporation Act 1899.

- Section 6 Power to Corporation to work tramways ;
- Section 8 Provisions as to motive power ;
- Section 9 Amendment of Tramways Act 1870 as to byelaws by local authority ;
- Section 10 Authentication of byelaws ;
- Section 11 Regulations as to use of electric power ;
- Section 12 For protection of Postmaster-General ; and
- Section 15 Fares on Sundays or public holidays not to be raised.

55. The Corporation may provide and maintain and may work run or use omnibuses in connexion with the Corporation tramways along the routes of intended tramways during construction or during the reconstruction of any of the Corporation tramways and they may levy and take such tolls rates or charges for the use of such omnibuses as they may think reasonable.

Power to use omnibuses.

56. For the purpose of using mechanical power it shall be lawful for the Corporation to acquire hold and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise.

Power to acquire patent rights.

A.D. 1901.

Corporation
may use
tramways
for sanitary
purposes.

57. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the Corporation tramways) use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Provisions
as to arbi-
tration.

58. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration.

Provision as
to general
Tramway
Acts.

59. Nothing in this Act contained shall exempt the Corporation or the Corporation tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of rates or charges authorised by this Act.

PART IV.

STREET WORKS.

Power to
execute
street works.

60. Subject to the provisions of this Act the Corporation in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference may if they think fit wholly in the borough make and maintain the following street works (that is to say):—

A widening of Tottington Road and Croston's Road on the westerly side thereof extending from the junction of Tottington Road and Walshaw Road to Hopkinson Street:

A widening of Elton Road on the southerly side thereof extending from the north-west corner of the house No. 15 in Elton Road to the north-west corner of the "Spread Eagle":

A widening in Bolton Street on the southerly side thereof commencing from a point 37 yards measured in an easterly direction from the centre of Millett Street and extending to Tenters Street also on the northerly side thereof commencing from the westerly side of the house No. 98 Bolton Street and extending to the westerly side of the Railway Inn No. 64 Bolton Street and also on the southerly side thereof extending from the easterly side of the house No. 71 Bolton Street to the westerly side of the house No. 65 Bolton Street:

A new street commencing in Flect Street between the houses numbered 25 and 45 inclusive and extending in a north-easterly direction and terminating in Parsons Lane at the north-westerly corner of the waterworks offices :

A widening of Paradise Street on the northerly side thereof extending from Boundary Street to Walmersley Road :

A widening of Walmersley Road on the westerly side thereof extending from Paradise Street to Buckley Street also on the easterly side thereof extending from Moorgate in a northerly direction for a distance of 33 yards :

A widening of Moorgate on the northerly side thereof extending from Walmersley Road to the south-east corner of the house No. 9 Moorgate also in Moorgate on the southerly side thereof extending from the westerly side of the house No. 2 Moorgate to the easterly side of the house No. 4 Moorgate and from the westerly side of the house No. 18 Moorgate to Sackville Street :

A widening of Moorgate and Barn Brook on the northerly side thereof extending from the westerly side of the house No. 63 Moorgate to the Crescent :

A widening of Water Street on the southerly side thereof extending from the yard on the easterly side of the "Boar's Head" to the easterly side of the house No. 18 Water Street :

A widening of Rochdale Road on the southerly side thereof extending from King Street to George Street also on the northerly side thereof extending from Wash Lane to the road leading to Bridge Hall and also on the southerly side thereof extending from the westerly side of the outbuildings on the westerly side of the house No. 81 Rochdale Road to the west side of the parapet wall of the bridge over the River Roch at Heap Bridge :

A widening of Clough Street on the easterly side thereof extending from Bedlam Green to Chapel Street :

A new street as a continuation of Knowsley Street extending in a southerly direction from the southerly end of the existing street to Manchester Road :

A widening of Silver Street on the easterly side thereof extending from the side street on the southerly side of shop No. 13 Silver Street to Broad Street :

A widening of Manchester Road on the westerly side thereof extending from the northerly boundary of Bank House in a northerly direction for one hundred and seventy-two yards also on the westerly side thereof extending from a point forty-four yards measured in a northerly direction from the centre of

A.D. 1901.

Dumers Lane and extending for a distance of sixty-eight yards measured in a southerly direction :

A widening of Dumers Lane on the northerly side thereof extending from the north-east corner of the parapet wall of the bridge over the River Irwell to Manchester Road and on the southerly side thereof extending from Britain Street to Manchester Road.

In estimating the amount of compensation or purchase money to be paid by the Corporation under this Part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of any street or the construction of any new street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Limits of lateral and vertical deviation for street works.

61. Subject to the provisions of this Part of this Act and to section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) the Corporation in the construction of the street improvements and new streets by this Act authorised may deviate laterally within the limits of deviation shown on the deposited plans and they may deviate vertically from the limits shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Period for completion of works.

62. If the street widenings and works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same shall cease except as to so much thereof as shall be then completed.

Power to make junctions between existing and new streets &c.

63. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street works or any of them and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or any of them or otherwise. Provided always that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by the exercise of the powers of this section full compensation for all damage sustained by them or any of them.

64. When and so soon as the Corporation acquire the land on both sides of any street dedicated to public use and such street becomes in consequence of the execution by the Corporation of any street works shown on the deposited plans and authorised by this Part of this Act no longer required for public use or for approach to any property adjoining the same such street is hereby vested in the Corporation freed and discharged from the public use thereof Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor.

A.D. 1901.
Streets
disused
vested in
Corporation.

65. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

Corporation
empowered
or may be
required to
underpin or
otherwise
strengthen
houses near
works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk at his office :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed

A.D. 1901.

and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

PART V.

GENERAL PROVISIONS COMMON TO TRAMWAYS AND STREET WORKS.

Power to
make general
works.

66. Subject to the provisions of this Act the Corporation may within the limits of deviation shown on the deposited plans make and maintain all such bridges viaducts culverts arches walls embankments piling piers abutments cuts drains sluices pen stocks tunnels headings shafts cofferdams hatches manholes and other works as may be necessary or expedient in connexion with or for the purposes of the foregoing tramways and street works or any of them.

67. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time. The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

A.D. 1901.
Temporary stoppage of streets.

68. In constructing the works by this Act authorised or any of them the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration. Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply. Provided further that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire cable conductor or other apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to alter sewers gas and water pipes &c.

PART VI.

ELECTRICITY.

69. If the local authority for any district adjacent to the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy the Corporation and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such authority.

Supply of electrical energy outside the borough.

70. The Corporation on the one hand and any local authority or person owning or working tramways within or adjacent to the borough on the other hand may enter into and carry into effect agreements for the supply by the Corporation to such authority or person of electrical energy for the working of such tramways.

Supply of electricity for traction purposes.

A.D. 1901.

For protection of the Postmaster-General:

71. Any supply of energy by the Corporation under the last two preceding sections and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the Bury Corporation Electric Lighting Order 1890.

Conditions with respect to electric fittings.

72.—(1) Any wires apparatus and fittings in any building or premises supplied with electric energy by the Corporation shall be subject to such byelaws for securing the safety of the inhabitants and for the prevention of fire as the Corporation may make.

(2) The provisions with respect to byelaws made by a local authority under the Electric Lighting Act 1882 shall apply to byelaws made by the Corporation under this section.

Power to supply electric fittings.

73. The Corporation may provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electric energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

As to supply of electricity where consumer has separate supply.

74. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person. In case the Corporation and the person demanding such supply of electrical energy shall fail to agree the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

A.D. 1901. — which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Payment off
of borrowed
moneys.

77. 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 period") following (that is to say):—

As to moneys borrowed for the purpose (1) mentioned in the preceding section excepting moneys borrowed with the approval of the Board of Trade within forty years from the date or dates of borrowing the same ;

As to moneys borrowed for the purpose (2) in the preceding section mentioned within thirty years from the date or dates of borrowing the same ;

As to moneys borrowed for the purpose (3) in the preceding section mentioned within sixty years from the date or dates of borrowing the same ;

As to moneys borrowed for the purpose (4) in the preceding section mentioned within five years from the date or dates of borrowing the same ;

As to moneys borrowed with the approval of the Board of Trade and Local Government Board within such periods as those Boards respectively may sanction.

Application
of financial
provisions of
Bury Corpo-
ration Acts
1894 and
1899.

78. The following sections of the following Acts shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed and to the receipts and expenditure under this Act namely:—

The Bury Corporation Act 1894.

Section 18 Provisions of Public Health Act as to mortgages to apply ;

Section 21 Power to re-borrow ;

Section 22 Protection of lender from inquiry ;

Section 24 Annual return to Local Government Board with respect to sinking fund.

The Bury Corporation Act 1899.

Section 25 Mode of raising moneys ;

Section 31 Mode of repayment of moneys borrowed on mortgage ;

Section 32 As to moneys raised by stock ;

Section 33 Application of money borrowed ;

Section 34 Investment of sinking funds ; and

Section 37 Audit of accounts.

75. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Corporation as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

A.D. 1901.
Altering date
for filling
up annual
accounts for
electric
lighting.

PART VII.

FINANCE.

76. The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned (that is to say):—

Power to
borrow.

- (1) For tramway purposes any sum not exceeding one hundred and thirty-two thousand pounds and with the approval of the Board of Trade such further sums as may be necessary for the purposes of or otherwise in relation to the Corporation tramways;
- (2) For electrical equipment in connexion with the Corporation tramways the sum of thirty-nine thousand pounds and with the approval of the Board of Trade such further sums as may be necessary for those purposes;
- (3) For the purposes of street improvements new streets and works by this Act authorised any sum not exceeding one hundred and fourteen thousand pounds;
- (4) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose;
- (5) For any other purpose authorised by this Act to which capital is properly applicable such sum or sums as the Local Government Board may sanction.

In order to secure the repayment of the moneys borrowed for the purposes aforesaid and the payment of the interest thereon the Corporation may mortgage or charge all the rates tolls and revenues of the Corporation from whatever source derived.

The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount

79.—(1) The Corporation shall apply all money received by them on account of tramway revenue in manner and in the order following (that is to say) :—

A.D. 1901.
Application
of tramway
revenue and
deficiency of
receipts.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870) ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments for the purposes of the undertaking ;

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking ;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the Corporation tramways or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum ;

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of their tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

A.D. 1901.

(2) Any deficiency in the tramway revenue shall be forthwith made good out of the borough fund.

Statement and balance sheet and estimates with respect to tramways to be laid before Corporation.

80. Notwithstanding anything in this Act contained the Corporation shall as regards such of the Corporation tramways as will be situate outside the borough once in each year after the first two years' working cause the borough treasurer to lay before them a statement and balance sheet of the accounts of such tramways including such an amount to a reserve fund as the Corporation shall think fit if they determine to make a reserve fund and a proper proportion of the establishment charges for the preceding year and an estimate of the gross receipts to be derived during the ensuing year from the working and use of such tramways and the carriages and trucks thereon and also an estimate of the sums required to meet for such year a proper proportion of all establishment charges including the expenses of working management maintenance of lines works machinery and rolling stock repairs renewals materials rents wages taxes and other outgoings and also a proper proportion of the interest on money borrowed under the powers of this Act for tramway purposes and electrical equipment in connexion with the Corporation tramways and of the sums required to be annually appropriated to the sinking fund for the repayment of such moneys as provided for by this Act and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of such tramways and of the carriages and trucks used or propelled thereon for the said year then ensuing (not exceeding the tolls fares and charges specified in this Act) so that as far as is reasonably practicable the revenue shall not be less than the expenditure as before specified for each year. Nothing in this section shall be construed to prevent the Corporation levying the tolls rates and charges authorised by this Act.

PART VIII.

MISCELLANEOUS.

Informations by whom to be laid.

81. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Recovery of penalties &c.

82. Save as otherwise by this Act expressly provided all offences against this Act and all 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 Provided that costs or expenses except such as

are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

A.D. 1901.

83. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him carried to the credit of the borough fund.

Penalties to be paid over to treasurer.

84.—(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 purpose 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.

Inquiries by Local Government Board.

(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.

85. With respect to notices under this Act and to delivery thereof by or to the Corporation the following provisions shall have effect (that is to say):—

Form and delivery of notices.

(1) Every notice shall be in writing and if given by the Corporation or any local authority or any road authority shall be signed by their clerk:

(2) Any notice to be delivered by or to the Corporation to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of the Corporation or of such authority body or company as the case may be or by being sent by post addressed to their respective secretary or clerk at such principal office.

86. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining 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 and borough rate or out of moneys borrowed under the provisions of this Act.

Costs of Act.

A.D. 1901. The **SCHEDULES** referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS TO BE USED FOR STATION FOR GENERATING ELECTRICITY.

Certain lands situate in the township or parish of Bury in the county of Lancaster belonging to or reputed to belong to the Right Honourable the Earl of Derby the Rector of Bury the trustees of Thomas Parkinson and the Bury Brewery Company Limited and containing an area of half an acre and bounded on the north by the electricity works belonging to the Corporation on the east by Yarwood Street on the south by Rochdale Road and on the west by land belonging to the Corporation.

THE SECOND SCHEDULE.

**DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE
REQUIRED BY THE CORPORATION.**

Parish.	Numbers on deposited Plans.
Bury	17 39 40 41.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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