

[1 EDW. 7.] *South Lancashire Tramways Act, 1901.* [Ch. cclvii.]



## CHAPTER cclvii.

An Act to confer further powers upon the South Lancashire Tramways Company for the construction of tramways and street improvements and for other purposes. A.D. 1901.  
[17th August 1901.]

**W**HEREAS by the South Lancashire Tramways Act 1900 (hereinafter called "the Act of 1900") the South Lancashire Tramways Company (hereinafter called "the Company") were incorporated and were empowered to construct and maintain certain tramways and street improvements in the county palatine of Lancaster :

And whereas it is expedient that the Company be empowered to construct the tramways and street improvements in connection therewith or with the tramways authorised by the Act of 1900 described or referred to in this Act :

And whereas it is expedient that the Company be authorised to raise additional capital and that the further powers in this Act contained be conferred upon them :

And whereas it is expedient to amend the Act of 1900 in the manner provided by this Act :

And whereas plans and sections showing the lines and levels of the tramways and other works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with

A.D. 1901. the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the South Lancashire Tramways Act 1901 and the Act of 1900 and this Act may be jointly cited as the South Lancashire Tramways Acts 1900 and 1901.

Incorporation of general Acts.

2. The following Acts and Parts of Acts (that is to say):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the company against the shareholders;

The borrowing of money by the company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act;

(2) Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts;

(3) The Lands Clauses Acts; and

(4) Parts II. and III. of the Tramways Act 1870;

so far as they are applicable to and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Interpretation.

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

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Provided that in this Act and for the purposes of the provisions of the Tramways Act 1870 incorporated with this Act the expression "local authority" shall mean in the case of any place not within a borough or urban district the rural district council And in this Act unless the context otherwise requires—

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"The Company" means the South Lancashire Tramways Company ;

"The tramways" means the tramways authorised by this Act ;

"The undertaking" means the undertaking of the Company ;

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

"Engine" includes motor ;

"Street" has the same meaning as in the Public Health Act 1875 ; and

"The Act of 1900" means the South Lancashire Tramways Act 1900.

(2) The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authorities under section 43 of the Tramways Act 1870 as modified by the Act of 1900 and by this Act at a sum less than the aggregate amount of the capital and debts of the Company.

#### WORKS AND LANDS.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails plates junctions turntables turnouts crossings passing-places posts poles brackets wires waiting-rooms carriage-houses engines dynamos stations sidings buildings apparatus machinery appliances and works connected therewith.

Power to  
make tram-  
ways.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 (partly a tramway and partly a tramroad 3 miles 2 furlongs 6·80 chains in length whereof 2 miles 1 furlong 4 chains will be single line and 1 mile 1 furlong 2·80 chains will be double line) to be situate in Knowsley and Huyton-with-Roby commencing in Liverpool Road by a junction with the authorised line of the Liverpool and Prescott Light Railway at a point 1·50 chains or thereabouts measured in an easterly direction from the junction of Huyton Lane with Liverpool

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Road passing along Huyton Lane leaving Huyton Lane at a point 2 chains or thereabouts measured in a south-westerly direction from opposite the entrance of "Thornton Leigh" passing thence in a south-westerly direction through private lands and entering Derby Road opposite the junction of Archway Road with Derby Road crossing the said Derby Road thence into and along Archway Road Roby Road and Broad Green Road and terminating in the last-named road at the boundary of the township of Huyton-with-Roby :

Tramway No. 2 (3 miles 4 furlongs 4·85 chains in length whereof 2 miles 3 furlongs 2 chains will be single line and 1 mile 1 furlong 2·85 chains will be double line) to be situate in Newton-in-Makerfield and Winwick-with-Hulme commencing in Church Street by a junction with the tramway authorised by the Act of 1900 at a point 1·20 chains or thereabouts measured in a north-westerly direction from the junction of Church Street and Southworth Road passing along Mill Lane and Winwick Road and terminating in the last-named road by a junction with the authorised tramway of the mayor aldermen and burgesses of the borough of Warrington at the boundary of Winwick-with-Hulme Provided that no junction shall be made with the authorised tramway of the said mayor aldermen and burgesses without their consent in writing :

Tramway No. 3 (2 miles 5 furlongs 6·10 chains in length whereof 1 mile 6 furlongs 8 chains will be single line and 6 furlongs 8·10 chains will be double line) to be situate in Worsley and Little Hulton commencing in Chaddock Road by a junction with the tramway authorised by the Act of 1900 at a point 0·80 chain or thereabouts measured in a south-easterly direction from the junction of Walkden Road with Chaddock Road passing along Walkden Road Memorial Road Bolton Road and Worsley Road and terminating in the last-named road by a junction with the authorised tramway of the Farnworth Urban District Council at the boundary of the township of Little Hulton :

Tramway No. 4 (6 furlongs 4·70 chains in length whereof 4 furlongs 9 chains will be single line and 1 furlong 5·70 chains will be double line) to be situate in Little Hulton commencing in Manchester Road East by a junction with the tramway authorised by the Act of 1900 at a point 0·70 chain or thereabouts measured in a south-easterly direction from the junction of Cleggs Lane and Manchester Road

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East passing along Cleggs Lane and Buckley Lane and terminating in the last-named lane by a junction with the authorised tramway of the Farnworth Urban District Council at the boundary of the township of Little Hulton : A.D. 1901.  
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Tramway No. 5 (partly a tramway and partly a tramroad double line 3 furlongs 3·70 chains in length) to be situate in Little Hulton commencing in Worsley Road by a junction with Tramway No. 3 at a point 3·20 chains or thereabouts from the termination thereof passing through Brook Mill Yard to the north of Brook Mill Reservoir and thence in a westerly direction through private lands and to the north of the reservoir at Buckley Lane End entering Cleggs Lane and terminating therein by a junction with Tramway No. 4 at a point 1·70 chains or thereabouts from the termination thereof :

Tramway No. 6 (1 mile 5 furlongs 3·80 chains whereof 6 furlongs will be single line and 7 furlongs 3·80 chains will be double line) to be situate in the county borough of Bolton and in the urban district of Little Lever commencing in Hall Lane by a junction with the authorised tramway of the Farnworth Urban District Council at the boundary of the county borough of Bolton passing in an easterly direction along Hall Lane into and along Hall Street Church Street Market Street High Street and Stopes Road and terminating in the last-named road by a junction with the authorised tramway of the Radcliffe Urban District Council at the boundary of the urban district of Little Lever :

Provided that the Company shall not construct any part of any of the tramways in a road so that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of such road and the nearest rail of the tramway except in those cases where it is indicated upon the deposited plans that such less space will intervene and (except as aforesaid) the Company shall where necessary widen the road to sufficient width to allow such space as aforesaid to intervene before they shall be at liberty to construct therein the tramway or part of a tramway authorised by this Act but in widening any road in pursuance of this section the Company shall not reduce the width of any existing footpath to less than six feet.

5.—(1) The Company may with the consent of the owner of any building attach to that building such brackets wires and Attachment of brackets to buildings.

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Provided that—

(A) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction 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 ;

(B) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the 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 Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (A) ;

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

(2) 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 rackrent shall be deemed to be the owner.

As to generating station.

6. The Company may supply electrical energy for the purposes of this Act from any station or stations for generating such energy constructed in pursuance of the Act of 1900 but nothing contained in this Act shall authorise the Company to construct a generating station.

Power to make street works &c.

7. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the road widenings and other works hereinafter mentioned together with all necessary and proper works improvements junctions connections approaches and conveniences connected therewith or incidental thereto (namely) :—

(1) A widening and improvement of Liverpool Road and Huyton Lane in Knowsley on the south-east and east sides respectively :

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- (2) A widening and improvement of Huyton Lane in Huyton-with-Roby on the south-east side :
- (3) A widening and improvement of Mill Lane in Newton-in-Makerfield and Winwick-with-Hulme on the west side :
- (4) A widening and improvement of Winwick Road in Winwick-with-Hulme on the east side :
- (5) A further widening and improvement of Winwick Road in Winwick-with-Hulme on the east side :
- (6) A further widening and improvement of Winwick Road in Winwick-with-Hulme on both sides :
- (7) A widening and improvement of Bolton Road and Worsley Road or one of them in Worsley and Little Hulton on the west side :
- (8) A widening and improvement of Worsley Road in Little Hulton on the west side :
- (9) A widening and improvement of Cleggs Lane in Little Hulton on the south-east side :
- (10) A widening and improvement of Hall Lane in Little Lever on the south side :
- (11) A widening and improvement of Stopes Road on the north and west side in Little Lever :
- (12) A widening and improvement of Saint Helens Road in Newton-in-Makerfield on the south side :
- (13) A widening and improvement of Crow Lane in Newton-in-Makerfield on the north side :
- (14) A further widening and improvement of Crow Lane in Newton-in-Makerfield on both sides :
- (15) A widening and improvement of Church Street in Newton-in-Makerfield on both sides :
- (16) A widening and improvement of Southworth Road in Newton-in-Makerfield on the north-west side :
- (17) A widening and improvement of Vista Road in Newton-in-Makerfield on the west side :
- (18) A widening and improvement of Market Street in Newton-in-Makerfield on the north-east side :
- (19) A widening and improvement of Wigan Road in Newton-in-Makerfield on both sides :
- (20) A widening and improvement of Golborne Dale Road in Newton-in-Makerfield on both sides :
- (21) A further widening and improvement of Golborne Dale Road Golborne Dale Bridge and Warrington Road in Newton-in-Makerfield on the north-east side :

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- (22) A widening and improvement of Saint Helens Road in Lowton on the north-west side :
- (23) A further widening and improvement of Saint Helens Road in Lowton on the north-west side :
- (24) A widening and improvement of Saint Helens Road in the borough of Leigh on both sides :
- (25) A further widening and improvement of Saint Helens Road in the borough of Leigh on both sides :
- (26) A widening and improvement of Bridge Street in the borough of Leigh on the west side :
- (27) A widening and improvement of Leigh Road in the borough of Leigh on the west side :
- (28) A widening and improvement of Corner Lane in the borough of Leigh on the north side :
- (29) A widening and improvement of West Leigh Lane in the borough of Leigh on the south side :
- (30) A widening and improvement of Smallbrook Lane in the borough of Leigh on the north side :
- (31) A widening and improvement of Leigh Road and Howe Bridge in Atherton on the east side :
- (32) A widening and improvement of Wigan Road and Mealhouse Lane in Atherton on the east side of Wigan Road and on the south side of Mealhouse Lane :
- (33) A widening and improvement of Market Street in Atherton on the south side :
- (34) A further widening and improvement of Market Street in Atherton on the south side :
- (35) A widening and improvement of Tyldesley Road in Atherton on the north-east side :
- (36) A widening and improvement of Tyldesley Road and of the bridge carrying the said road over Chanter's siding in Atherton on both sides :
- (37) A widening and improvement of Bag Lane and Mealhouse Lane in Atherton on the east and north sides respectively :
- (38) A widening and improvement of Elliott Street in Tyldesley-with-Shakerley on the north side :
- (39) A widening and improvement of Manchester Road and the bridges carrying the said road over Green's siding and Ramsden's siding respectively in Tyldesley-with-Shakerley on the north side :
- (40) A widening and improvement of Sale Lane in Tyldesley-with-Shakerley on the east side :

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- (41) A further widening and improvement of Sale Lane in Tyldesley-with-Shakerley on the north-east side : A.D. 1901.
- (42) A widening and improvement of Penny Lane in Haydock on the south side :
- (43) A further widening and improvement of Penny Lane in Haydock on the south side :
- (44) A widening and improvement of Warrington Road in Haydock and Ashton-in-Makerfield on the west side :
- (45) A widening and improvement of Lily Lane in Abram on the north-west side :
- (46) A further widening and improvement of Lily Lane in Abram and Ince on both sides :
- (47) A widening and improvement of Warrington Road in Abram on the western side :
- (48) A further widening and improvement of Warrington Road in Abram on both sides :
- (49) A further widening and improvement of Warrington Road in Abram on the east side :
- (50) A further widening and improvement of Lily Lane in Ince on both sides :
- (51) A widening and improvement of Low Green Road in Hindley on the north-west side :
- (52) A widening and improvement of Atherton Road in Hindley on the north-east side :
- (53) A further widening and improvement of Atherton Road in Hindley on both sides :
- (54) A further widening and improvement of Atherton Road in Hindley on the south-west side :
- (55) A further widening and improvement of Atherton Road in Hindley on both sides :
- (56) A further widening and improvement of Atherton Road in Hindley on both sides :
- (57) A widening and improvement of Chapel Green in Hindley on the south-west side :
- (58) A further widening and improvement of Chapel Green in Hindley on the west side :
- (59) A further widening and improvement of Chapel Green in Hindley on the west side :
- (60) A widening and improvement of Leigh Road in Hindley on the east side :
- (61) A further widening and improvement of Leigh Road in Hindley on both sides :

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- (62) A further widening and improvement of Leigh Road in Hindley on the east side :
- (63) A further widening and improvement of Leigh Road in Hindley on the south-west side :
- (64) A widening and improvement of Wigan Road in Westhoughton on the west side :
- (65) A widening and improvement of Market Street in Westhoughton on the south side :
- (66) A further widening and improvement of Market Street in Westhoughton on the north side :
- (67) A widening and improvement of Wigan Road in Westhoughton on the north side :
- (68) A widening and improvement of Warrington Road in Golborne on the east side :
- (69) A widening and improvement of Warrington Road Bridge Street Golborne Bridge and High Street in Golborne on both sides :
- (70) A widening and improvement of High Street in Golborne on the north-west side :
- (71) A widening and improvement of Church Street and Wigan Road in Golborne on both sides :
- (72) A further widening and improvement of Wigan Road in Golborne on the west side :
- (73) A further widening and improvement of Wigan Road in Golborne on the east side :
- (74) A widening and improvement of Manchester Road in Astley on the north side :
- (75) A further widening and improvement of Manchester Road in Astley on the south side :
- (76) A widening and improvement of Chaddock Lane in Tyldesley-with-Shakerley on the south side.

Appropriation of land to street widenings.

8. Where the Company are the owners of any land abutting upon any street or road in which any tramway is by the Act of 1900 or by this Act authorised to be constructed they may appropriate the whole or any part of such land to the widening of the street or road upon which it abuts.

Power to take lands.

9. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as they may require for the construction of the works authorised by this Act for the widening of streets for the provision of sites for the erection of buildings adjoining any street for sidings waiting

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rooms sheds depôts and other buildings and for the other purposes of this Act. A.D. 1901.

10. In determining any question of disputed compensation to be paid by the Company for the acquisition of any land which the Company are by this Act authorised to acquire for the widening or improvement of streets the jury arbitrators or other authority to whom the question shall be referred shall take into account any permanent increase in value of any lands fronting or abutting upon the proposed widened or improved streets and retained by or belonging to the person claiming compensation which in the opinion of such jury arbitrators or authority will result from or be caused by the exercise of the powers of this Act. Matters to be taken into account by arbitrators.

#### CAPITAL.

11. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole one hundred and fifty thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Additional capital.

12. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

13. If any money be payable to any shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

14. The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole fifty thousand pounds but no part of such sum shall be borrowed until the whole of the capital in respect of which it is borrowed is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before Power to borrow.

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Appoint-  
ment of a  
receiver.

15.—(1) Section 10 (For appointment of a receiver) of the Act of 1900 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section.

(2) The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Existing  
mortgages  
to have  
priority.

16. All mortgages granted by the Company under the Act of 1900 which shall be subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages granted under the authority of this Act.

Rights of  
mortgagees  
on sale of  
tramways.

17. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to any local authority under section 43 of the Tramways Act 1870 as modified by the Act of 1900 and this Act and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the tramway undertaking in the event of such sale.

Application  
of moneys.

18. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act or for the general purposes of the Company's undertaking to which capital is properly applicable.

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19. The Company may apply for the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares or by borrowing and which may not be required for the purposes to which they are made specially applicable.

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Power to  
apply cor-  
porate funds  
to purposes  
of Act.

#### MISCELLANEOUS.

20. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four thousand two hundred and eighty-six pounds being five per centum upon the amount of the estimate in respect of the tramways authorised by this Act has been deposited with the Paymaster-General for and on behalf of the supreme court and forms part of the total sum of seven thousand eight hundred and ninety-six pounds deposited in respect of the application to Parliament for this Act (which sum of four thousand two hundred and eighty-six pounds or the investment thereof is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised the high court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Deposit  
money not  
to be repaid  
until line  
opened.

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Application  
of deposit.

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

Incorporation of  
sections of  
Act of 1900.

**22.** The following sections of the Act of 1900 shall with the necessary modifications extend and apply to and with respect to the tramways and street improvements authorised by this Act and to other the purposes of this Act as if the same were re-enacted in this Act (that is to say):—

Section 13 (Company not to create debenture stock);

Section 22 (Inspection by Board of Trade);

Section 23 (Tramways to be kept on level of surface of road);

- Section 24 (Plan of proposed mode of construction);
- Section 25 (Gauge of tramways);
- Section 26 (Rails of tramways);
- Section 27 (Penalty for not maintaining rails and roads);
- Section 28 (Local authority to have access to sewers);
- Section 29 (Crossovers to be constructed where less than a certain width left between footway and tramway);
- Section 30 (Power to make additional crossings &c.);
- Section 31 (Alteration of tramways);
- Section 32 (Temporary tramways may be made where necessary);
- Section 33 (Application of road materials excavated in construction of works);
- Section 34 (As to alteration of water mains &c.);
- Section 35 (As to subsidence of road);
- Section 36 (As to manholes);
- Section 37 (As to removal of snow &c.);
- Section 38 (Agreements with adjoining owners &c.);
- Section 39 (Period for completion of works);
- Section 40 (Provisions as to motive power);
- Section 42 (Erection of posts &c.);
- Section 43 (Special provisions as to use of electric power);
- Section 44 (For protection of the Postmaster-General);
- Section 45 (Mechanical power works to be subject to sections 30 32 of Tramways Act 1870);
- Section 46 (Byelaws);
- Section 47 (Amendment of Tramways Act 1870 as to byelaws by local authority);
- Section 48 (Power to acquire patent rights);
- Section 49 (Rates for passengers);
- Section 50 (Passengers' luggage);
- Section 51 (Animals and goods);
- Section 52 (Restriction on carriage of animals and goods);
- Section 53 (Payment of rates and charges);
- Section 54 (As to rates on Sundays or holidays);
- Section 55 (Cheap fares for labouring classes);
- Section 56 (Periodical revision of rates and charges);
- Section 58 (Period for completion of works);
- Section 59 (Deviation);
- Section 60 (As to repair of road widenings);
- Section 61 (Agreements with respect to road widenings);
- Section 62 (Power to make subsidiary works);

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- Section 64 (Correction of errors &c. in deposited plans and book of reference) ;
- Section 65 (Owners may be required to sell parts only of certain lands and buildings) ;
- Section 67 (Period for compulsory purchase of lands) ;
- Section 68 (Purchase of lands by agreement) ;
- Section 69 (Restrictions on displacing persons of labouring class) ;
- Section 70 (Persons under disability may grant easements &c.) ;
- Section 71 (Future purchase by local authority) ;
- Section 74 (Service of cars) ;
- Section 75 (Company to light tramways) ;
- Section 76 (Local authorities and road authorities may use tramways for certain purposes) ;
- Section 77 (Waiting rooms) ;
- Section 78 (Materials for repairing roads) ;
- Section 79 (Strengthening and alteration of bridges) ;
- Section 80 (Company to repair injury caused by heavy traffic) ;
- Section 81 (Cost of supervision) ;
- Section 84 (Power to enter into agreements with respect to traffic) ;
- Section 86 (Form and delivery of notices) ;
- Section 87 (Arbitration) ;
- Section 88 (Balance sheet to be sent to local authorities within fourteen days) ;
- Section 89 (Orders &c. of Board of Trade) ;
- Section 90 (Recovery of penalties) ;
- Section 109 (For protection of the Corporation of Liverpool) ;
- Section 110 (For protection of the Corporation of Manchester) ;
- Section 118 (Deposits for future Bills not to be paid out of capital) ;
- Section 119 (Provision as to general Tramway Acts) ;

The Second Schedule :

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

Running  
powers.

**23.** The Company may by agreement with the respective owners and lessees (if any) of the tramways hereinafter referred to but not otherwise enter upon run over and use with their engines carriages and servants for the purposes of traffic of all kinds the whole or any part of the tramways belonging to the lord mayor aldermen and citizens of the city of Liverpool to the mayor

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aldermen and burgesses of the borough of Warrington to the Farnworth Urban District Council to the Radcliffe Urban District Council to the Whitefield Urban District Council or to the owners for the time being of the tramways authorised by the Bury and District Tramways Order 1881 together with all stables carriage-sheds offices warehouses stations sidings junctions machinery works and conveniences of or connected with the said tramways respectively.

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24. Subject to the provisions of this Act the Company may enter into and carry into effect contracts and agreements with any local authority or person owning any tramways or light railways forming junctions with any tramways or light railways for the time being belonging to the Company or which the Company are for the time being entitled to run over or use with respect to the following purposes or any of them (that is to say):—

Working agreements.

The working use management and maintenance by the Company of the tramways light railways and works of such local authority or person and the employment of officers and servants;

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

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties;

The fixing collection payment appropriation apportionment and distribution between the contracting parties of the rates income and profits levied taken or arising from the tramways light railways and works of such local authority or person. Provided that the amount of the rates fixed by any contract or agreement made in pursuance of this section shall not exceed the maximum rates and charges authorised in respect of the tramways or light railways with respect to which the contract or agreement is made.

25. If the Worsley Urban District Council shall request the Company to grant running powers over any of their tramways in pursuance of subsection (2) of section 104 (For protection of Worsley Urban District Council) of the Act of 1900 the following provisions shall have effect (that is to say):—

Amendment of section 104 of Act of 1900.

(1) The Company shall not be obliged to comply with the request unless the local authority named therein (in this section referred to as "the local authority") shall within three months thereafter give notice to the Company of their

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desire to accept the running powers upon the terms specified in the said subsection or in this section :

(2) If the local authority accept running powers they shall grant to the Company running powers over such of the tramways of the local authority as the Company may desire to use or if the local authority be the Farnworth Urban District Council they shall grant to the Company running powers over such of their tramways as the Company may require to use in order to run carriages from the terminations of Tramways Nos. 3 and 4 to the commencement of Tramway No. 6 respectively authorised by this Act :

(3) The Company shall not be required to grant running powers to any local authority over tramways of a greater length than the tramways of such local authority which the Company may desire to run over except that the Company shall at the request of the Worsley Council and subject to the proviso hereinafter mentioned grant running powers to the Farnworth Urban District Council over the tramways in Buckley Lane and Cleggs Lane Little Hulton and in Manchester Road from Cleggs Lane Little Hulton to the Lady Ellesmere Memorial and along Bolton Road and Worsley Road in Worsley and Little Hulton respectively. Provided always that the Company shall not be required to grant running powers to the Farnworth Urban District Council unless the Company exercise running powers over the tramways of that Council :

(4) Any running powers granted to or by the Company in pursuance of this section shall be granted for such consideration and upon and subject to such terms and conditions as may be agreed or as in default of agreement may be determined by arbitration and such terms may include the construction of any necessary works for the transmission of mechanical power or the user of any such works constructed by or belonging to the local authority.

Agreements  
with Rad-  
cliffe and  
Whitefield  
Urban  
District  
Councils.

26.—(1) The Company on the one hand and the Radcliffe Urban District Council and the Whitefield Urban District Council respectively on the other hand may with the approval of the Board of Trade enter into and carry into effect contracts and agreements for the construction purchase reconstruction alteration equipment and use by the Company of the tramways which those councils are respectively authorised to construct or purchase and in the event of any such contract being entered into the Company may subject to the terms thereof exercise all or any of the powers conferred upon

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those councils respectively by the Radcliffe Urban District Council A.D. 1901.  
Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1900) and the Whitefield Urban District Council Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 5) Act 1900) or by the Bury and District Tramways Order 1881 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1881) and subject as aforesaid the provisions of those Orders and Acts and of the enactments incorporated therewith shall accordingly with the necessary modifications apply and have effect as if instead of the respective district councils the Company were therein named or referred to. Provided that the provisions relating to the granting of leases the prohibition of the placing or running of carriages upon tramways and of the demanding and taking of tolls and charges in respect of the use of such carriages the defraying of expenses the borrowing of money the holding of special meetings the passing of resolutions the making of byelaws by the local authority and the granting of licences shall not apply to the Company.

(2) Any sum paid by the Company to either of the said councils by way of purchase money shall be a sum in gross and shall be applied by the council to whom it is paid towards the discharge by means of a sinking fund or otherwise of any principal moneys which may have been borrowed by such council for tramway purposes or if no such principal moneys are outstanding in repayment of any moneys borrowed by such council for other purposes chargeable to the local rate as defined by the Tramways Act 1870 or to such other purpose as the Local Government Board may approve. Provided that such application shall be in addition to and not in substitution for any instalments or appropriations or payments otherwise required to be made to any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and that borrowed moneys discharged by such application shall not be reborrowed.

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

(1) The provisions contained in subsections (1) (2) (3) (4) (5) (6) (7) (9) (10) and (11) of section 91 of the Act of 1900 (For

A.D. 1901.

protection of the county council) shall apply as though they were with the necessary modifications re-enacted in this section :

- (2) Before constructing a tramway in Mill Lane Winwick-in-Hulme the Company shall widen the road opposite to the Winwick churchyard to at least twenty-seven feet of roadway in addition to the width of the existing footpath for the full length of the churchyard wall so as to make the widening shown in No. 3 on the deposited plans continue up to Widening No. 4 :
- (3) Before constructing any tramways along Market Street and High Street in Little Lever the Company shall at their own expense purchase the buildings on the east side of the junction of Market Street and Fletcher Street and to the extent that may be reasonably required by the county surveyor shall set back the line of such buildings to the street so as to continue Market Street with a slight curve into High Street and the land between the line of buildings so set back and the present street shall be thrown into the street and paved flagged and kerbed at the expense of the Company and to the reasonable satisfaction of the county surveyor.

For protection of corporation of Manchester.

**28.** If Tramway No. 3 authorised by this Act shall be constructed in Memorial Road in the urban district of Worsley before the lord mayor aldermen and citizens of the city of Manchester (in this section called "the corporation") construct or lay down therein the aqueduct conduit or line of pipes twelfthly described in section 10 of the Manchester Corporation Waterworks Act 1879 and which they are by that Act authorised to construct or lay down (in this section called "the aqueduct") the following provisions shall except so far as may be otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

- (1) In constructing the tramway the Company shall subject to the provisions of this Act construct the same in such position as not to interfere more than necessary with the construction of the aqueduct by the corporation :
- (2) Before commencing the construction of the tramway the Company shall submit to the corporation plans showing the proposed situation thereof and the tramway shall be constructed in accordance with plans reasonably approved by the corporation to give effect to subsection (1) of this section Provided that if for twenty-eight days after such plans have been submitted to the corporation they fail to signify their

approval or disapproval they shall be deemed to have approved A.D. 1901.  
thereof :

- (3) In the construction or laying down of the aqueduct in Memorial Road the corporation shall not interfere more than necessary with the tramway of the Company :
- (4) If any question shall arise between the corporation and the Company as to the situation of the said tramway in Memorial Road or otherwise under this section the same shall be determined by arbitration.

**29.** For the protection of the rural district council of Whiston (in this section referred to as “ the council ”) the following provisions shall unless agreed between the Company and the council have effect (that is to say) :—

For pro-  
tection of  
Whiston  
Rural  
District  
Council.

- (1) Before any tramway by this Act authorised is opened for public traffic within the district of the council the Company shall at their own expense make the following street improvements :—

- (A) The roadway between Liverpool Road and Carr Lane shall be widened to thirty-seven feet including footpaths ;
- (B) The junction of Huyton Lane and Liverpool Road shall be widened to an additional width of seven feet beyond that shown on the deposited plans by widening the corner on the east side ;
- (C) The carriage-way from Carr Lane along Hurst House wall to the boundary between the Whiston Rural District and the Huyton-with Roby Urban District shall be widened by reducing the grass footwalk on the east side to one foot ten inches ;
- (D) The work of rebuilding the wall from Liverpool Road to Carr Lane and of reforming the roadways where widened shall be carried out to the reasonable satisfaction of the council and the cost thereof borne by the Company ;
- (E) The surface of the road shall be made good where the rails deviate from the existing level and the sides of the pavement shall be made up with good material to the reasonable satisfaction of the council :

- (2) If and when any alteration in the construction or repair of any sewer or highway drain is rendered necessary any reasonable and further expense incurred by the council in crossing under the tramways over the cost of doing the same work in the present road shall be borne and paid by the Company :

A.D. 1901. (3) Any question which may arise between the council and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

For protection of  
Worsley  
Urban  
District  
Council.

**30.**—(1) The provisions contained in subsections (1) (3) (4) (5) (7) (9) (10) (11) (12) (13) (14) (15) (16) and (17) of section 104 of the Act of 1900 (For protection of Worsley Urban District Council) shall apply as though they were with the necessary modifications re-enacted in this section.

(2) If within twenty-eight days after the Company shall have given notice to the Worsley Urban District Council (in this section called "the council") of their intention to open or break up any part of so much of the road known as Memorial Road as is situate between the Monument and Westminster Road the council shall by notice require the Company to pave with wood such part thereof (not exceeding one hundred and fifty yards in length) as may be described in the notice of the council the Company shall when making good the surface of the road pave with wood so much of the part of the road specified in the notice of the council as the Company are required to maintain by section 28 of the Tramways Act 1870 Provided that the Company shall not be required to pave any part of the said road with wood unless at the same time so much of the road as the Company are not required to maintain by section 28 of the Tramways Act 1870 is paved with wood.

(3) Before constructing the tramways authorised by this Act in Bolton Road the Company shall widen the same to an additional width of not exceeding nine feet by setting back the footpath on the west side but the Company shall not be required to purchase any land for such widening unless the same can be purchased at a reasonable price If any question shall arise between the council and the Company as to what is a reasonable price the same shall be determined by arbitration.

(4) The provisions of subsection (6) of the said section 104 shall apply to the roads and streets in which the Company are by this Act authorised to construct tramways as if the same were with the necessary modifications re-enacted in this Act Provided that in the application of the said provisions one mile and a quarter shall be substituted for three miles.

(5) Any question which may arise between the council or the surveyor and the Company with reference to this section or anything to be done or not to be done thereunder shall be referred to arbitration.

**31.** For the protection and benefit of the Little Hulton Urban District Council (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

A.D. 1901.  
For protec-  
tion of Little  
Hulton  
Urban  
District  
Council.

(1) The provisions contained in subsections (1) (2) (3) (5) (6) (7) and (9) of section 102 (For protection of Little Hulton Urban District Council) of the Act of 1900 shall apply as if they were with the necessary modifications re-enacted in this section:

(2) The Company shall as and from the date on which the tramways shall be opened for public traffic pay annually to the council such proportion of the council's portion of interest and capital (repaid in respect of loans for works of improvements on the main roads traversed by the tramways authorised by this Act) as the superficial area of that portion of the main road maintained by the Company bears to the superficial area of the whole carriage-way of the road:

(3) The Company shall further in the construction of the tramways authorised by this Act in the district of the council construct and make at their own expense the following street improvements:—

(A) Before opening the tramways in Cleggs Lane for public traffic the Company shall widen the roadway six feet by taking land from the east footpath;

(B) Before opening Tramway No. 5 for public traffic the Company shall construct a road and footpath along the proposed route to the reasonable requirements of the council of a width not exceeding thirty-six feet;

(C) Before constructing the tramways in Worsley Road the Company shall widen the road to a width of six feet at the expense of the western footpath;

(D) Before the tramways crossing Virgins Inn Bridge situate in Worsley Road are open for traffic the Company shall provide footpaths on each side of the bridge to the reasonable requirements of the council;

(E) In every case where the outside rail of the tramways is less than seven feet from the nearest kerb the Company shall pave the whole of the space between the rail and kerb to the reasonable approval of the council:

(4) The Company shall at their own expense pave the widened portion of the carriage-way (if any) with the same class of pavement as exists in the road before it is widened.

**32.** For the protection and benefit of the urban district council of Little Lever (in this section called "the council") the following

For pro-  
tection of  
Little Lever

A.D. 1901. provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say) :—

Urban  
District  
Council.

(A) In the event of the tramways not being constructed in the urban district of Little Lever (in this section called "the district") within the period prescribed by this Act the Company shall not without the consent of the council make any application for an extension of that period in regard to such tramways :

(B) Such portions of the tramways as are proposed to be constructed within the district shall only be constructed subject to the following provisions (namely) :—

(1) The Company shall before opening such portions of the tramways for public traffic widen Market Street by pulling down the three cottages on the south side of that street belonging or reputed to belong to the trustees of Saint Mathew's Church Schools. So much of the site of such cottages as shall not be required for road widening shall be thrown into the school yard ;

(2) The council shall have free running powers over so much of the said tramways as shall be constructed within the district for cars to be worked on or in connection with any tramways which the council may be authorised to purchase construct or work within the district and also the free use of any posts pillars brackets or other apparatus whatever belonging to the Company for carrying any electric wires or other apparatus necessary for the running of cars on such tramways provided that such use is not inconsistent with or detrimental to the use of the same by the Company for the purposes of the said tramways. The running powers aforesaid shall be such as may be necessary for the efficient working of a local tramway service and shall be exercised at such times and in such manner as shall be agreed between the engineer of the Company and the surveyor of the council (in this section referred to as "the surveyor") or in case of dispute as shall be determined by arbitration ;

(3) The gauge of the tramways shall not be altered without the consent of the council ;

(4) In the application within the district of section 71 of the Act of 1900 (Future purchase by local authority) the following paragraph shall be substituted for paragraph (B) of subsection (1) of that section (namely) :—

- (B) The Company shall within six months after the service of a notice under the said section 43 (as modified by this section) sell to the council so much of the said tramways as shall be situate in the district (except any lands buildings posts pillars wires electrical equipment and cars) upon the terms of the council paying to the Company the cost of constructing such part of the said tramways less a reasonable sum for depreciation and without any allowance for profits compulsory sale or any other consideration whatsoever the amount to be determined in case of difference in the manner provided by the said section ;
- (5) The council shall for the purposes of subsection (1) of this section have power from time to time to cross the said tramways by tramway lines which they or their licencees shall by law be authorised to construct and to make junctions between any tramways which may be laid in the district and the said tramways at such places and in such manner as may be agreed between the engineer of the Company and the surveyor or in case of difference as may be determined by arbitration ;
- (6) The Company shall provide such a service of cars for the conveyance of passengers within the district as may be reasonably required in the public interests due regard being had to the populous character of the route over which the said tramway passes Any question as to the sufficiency of the service of cars shall be determined by arbitration ;
- (7) The Company shall at the request of the council appoint stages for local traffic upon the said tramways within the district not exceeding one mile in length such stages to be agreed between the council and the Company No fare exceeding one penny per stage shall be charged for one passenger ;
- (8) The posts or pillars which the Company may require to erect within the district shall be so constructed as to be suitable for use as a sewer ventilator and the council shall be at liberty to use such posts or pillars for the display thereon of official advertisements Every such post or pillar as shall be within the district shall be painted as required by this Act not less than once in every two years ;

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(9) Should it appear to the council at any time that the making of the said tramways or the working thereof shall render it reasonably necessary to alter the position of or otherwise to alter any gas or water mains or pipes sewers drains manholes ventilation grids hydrants wires tubes or other work or apparatus of any kind or description whatsoever belonging to them either solely or jointly with any other person the council shall be at liberty to remove or alter the same in any manner they may deem fit and the Company shall repay to the council the cost of the work and the superintendence thereof and shall pay and indemnify the council against any claims actions or proceedings for compensation or damages to which the council may be liable at the instance of any company corporation or person in consequence of the carrying out of such work Any difference or dispute between the Company and the council which may arise in respect of this subsection shall be referred to arbitration ;

(10) The council shall have free use of any tramways within the district for the purpose of conveying by means of carriages moved by horses or otherwise any night soil house refuse scavenging stuff or materials from any of their works or dépôts and may form connections between the said tramways and any lines the council may construct from any yards works or railway station within the district Provided that—

(A) Such use of the said tramways by the council shall not unduly impede obstruct or interfere with the ordinary traffic on the tramways ;

(B) Before any junction shall be made with the said tramways plans showing the position and mode of construction thereof shall be submitted to and approved by the Company ;

(c) The Council shall indemnify the Company against any damage done to the permanent way by any undue or improper use of the same ;

(11) The Company shall not oppose any application for statutory powers which may be made by the council for power to construct purchase or work tramways within the district Provided that such application shall not seek to alter or diminish the rights or powers of the Company ;

(12) Any snow or other matter removed by the Company from the tramways in the district shall not be allowed to remain at the side of the road except with the consent of the surveyor and except as aforesaid such snow or other matter shall be at once taken away by the Company ;

(13)—(A) Notwithstanding anything in the Tramways Act 1870 or in this Act contained the Company shall not sell or lease the tramways or any part thereof in the district without the consent of the council under their common seal but such consent shall not be unreasonably withheld ;

(B) If the Company grant running powers over the tramways such powers shall be subject to such conditions as the council may reasonably require in respect of sufficiency and convenience of service and fares to be charged and any difference as to what may be reasonably required shall be referred to arbitration ;

(14) Any question which may arise between the council or the surveyor and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

**33.** Notwithstanding anything in this Act contained the powers conferred upon the Company by the section of this Act the marginal note of which is " Attachment of brackets to buildings " shall not be exercised in regard to any building situate within the urban district of Abram or within the urban district of Ince-in-Makerfield except with the consent under seal of the local authority for the district in which the building is situate.

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

**34.** For the protection and benefit of the Atherton Urban District Council (in this section called " the council ") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say) :—

For protection of Atherton Urban District Council.

(1) The section of this Act the marginal note whereof is " Attachment of brackets to buildings " shall not apply to any tramways or works constructed or authorised to be constructed by the Company in the district of the council :

(2) The road widenings and improvements numbered (35) and (36) in the section of this Act the marginal note whereof is " Power to make street works &c. " shall be deemed to be a part of the road widenings in the urban district of Atherton referred to in section 100 (For protection of the urban district councils of Atherton Tyldesley and Westhoughton and the rural district council of Leigh) of the Act of 1900 and

A.D. 1901.

numbered (v) and (vi) in paragraph (A) of subsection (1) of that section. The said road widenings and improvements numbered (35) and (36) shall be carried out in accordance with the plans which have been signed on behalf of the Company by Messrs. Kincaid Waller and Manville and on behalf of the council by Thomas Smith and in the execution of such works as may be necessary the Company shall in all things comply with the provisions of the said section 100 of the Act of 1900 relative to the said road widenings (v) and (vi):

(3) The Company shall not supply electrical energy in the district of the council for any purpose other than the working of the tramways and the lighting of the roads without the consent of the council:

(4) Any question or difference which may arise under the provisions of this section shall be settled by arbitration in manner provided by this Act.

For protection of London and North Western Railway Company.

**35.** The provisions of subsections (1) to (9) and (12) and (13) of section 114 (For protection of London and North Western Railway Company) of the Act of 1900 shall apply to the construction and maintenance of the tramways and works connected therewith and any works for the purpose of working any of the tramways by mechanical power and the road widenings by this Act authorised where the same are intended to cross any bridge carrying any road over any railway siding canal towing path or works belonging to the London and North Western Railway Company or to pass under any railway bridge of that company.

For further protection of London and North Western Railway Company.

**36.** The following provisions for the further protection of the London and North Western Railway Company (in this section referred to as "the North Western Company") shall be in force and have effect:—

(1) The Company shall construct the additional road widenings 20 and 21 and the works connected therewith by this Act authorised so far as the same adjoin or affect the railway lands or works of the North Western Company to the reasonable satisfaction of Francis Stevenson or other the principal engineer for the time being of the North Western Company (in this section referred to as "the said principal engineer") and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe user of the said railway and the traffic thereon and if any such obstruction or interference shall be

caused or take place the Company shall pay to the North Western Company full compensation in respect thereof: A.D. 1901.

(2) The Company shall construct the said additional road widenings where the same will pass alongside the railway of the North Western Company and all the works both temporary and permanent necessary and incident to the construction thereof so far as they affect the property and works of the North Western Company in accordance with the provisions of this section and according to plans and sections and in every other respect as shall be previously submitted to and reasonably approved in writing by the said principal engineer and the Company shall not commence the construction of the said additional road widenings or enter upon or interfere with any land works or property belonging to or used by the North Western Company until such plans and sections have been so submitted and approved. Provided always that if the said principal engineer shall not within the period of six weeks have disapproved such plans and sections he shall be deemed to have approved them and in case of his disapproving the same or of the said principal engineer and the engineer of the Company failing to agree or of any difference arising between them then the said works shall be constructed according to plans and sections to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the North Western Company by the Board of Trade:

(3) The said additional road widenings and all works necessary or incident to the construction thereof so far as they affect the property or works of the North Western Company shall be executed by and in all things at the expense of the Company and under the superintendence (if the same be given) and to the reasonable satisfaction of the said principal engineer:

(4) The Company shall not except with the previous consent of the North Western Company under their common seal purchase or acquire any lands or property of that company for the purposes of the said additional road widenings but the Company may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using so much of the said lands as may be necessary for constructing the said additional road widenings in accordance with the provisions of this section:

A.D. 1901.

- (5) During the construction of the said additional road widenings adjoining and near to or affecting the railway property and works of the North Western Company the Company shall bear and on demand pay to them all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the North Western Company for watching the same with reference thereto and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :
- (6) The Company shall at all times maintain the additional road widenings and the works connected therewith and incident thereto so far as the same adjoin or affect the railway lands or works of the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the North Western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as may be reasonably requisite in that behalf and the reasonable amount of such expenditure to be settled in case of difference by arbitration shall be repaid to the North Western Company by the Company :
- (7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages or expenses which may be occasioned to them or to their railway works or property or to the traffic thereon or otherwise by reason of the execution or failure of the additional road widenings or the works in connection therewith or of any act or omission of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :
- (8) If any difference shall arise between the Company and the North Western Company or their respective engineers as to the reasonableness of the plans and sections hereinbefore provided for or otherwise under this section such difference shall be referred to and be determined by an engineer to be appointed

at the request of either the Company or the North Western Company by the Board of Trade: A.D. 1901.

- (9) The Company and the North Western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

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

For protection of corporation of Bolton.

- (1) No portion of so much of the Tramway No. 6 as is by this Act authorised to be laid in the county borough of Bolton shall be opened for public traffic until that portion of Hall Lane along which the same is proposed to be laid has been widened to the extent shown on and in accordance with the plan of such widening signed by Edward Ll. Morgan on behalf of the corporation and Kincaid Waller and Manville on behalf of the Company:

- (2) The provisions of subsections (1) (2) (5) and (8) of section 92 (For protection of the corporation of Bolton) of the Act of 1900 shall extend and apply to and in relation to so much of Tramway No. 6 by this Act authorised as is proposed to be laid within the county borough of Bolton as if it had formed part of the tramways by that Act authorised to be constructed in the borough and the provisions of the said subsections (1) (2) and (8) shall extend and apply to the gas and water mains and to any sewer drain and manhole thereto and to any electric lines and apparatus vested in or belonging to the corporation and which may be affected by the execution of the powers of this Act.

**38.** Notwithstanding anything in this Act the provisions of this section shall apply for the protection of Robert Cecil Winder Frederick Cooper and Andrews Crompton the trustees of the settlement dated twenty-sixth day of March one thousand eight hundred and seventy-nine and made between John William Crompton Jane Fletcher Sarah Fletcher Marianne Fletcher and Katherine Fletcher of the first part the said John William Crompton of the second part and Enfield Fletcher Robert Dukenfield Darbeshire and Frances Archer of the third part or other the owner or owners for the time being of the property in Little Lever comprised in the said settlement (and hereinafter referred to as

For protection of Andrews' trustees.

A.D. 1901. "the owners") unless otherwise agreed in writing between the owners and the Company (that is to say) :—

- (1) Before Tramway No. 6 by this Act authorised to be laid in the main road known as Hall Lane Little Lever so far as the same passes through or alongside the property of the owners is opened for public traffic the Company shall at their own expense widen such portion of the main road to an uniform width throughout of not less than 27 feet of metalled carriageway in addition to the existing width of footpath :
- (2) The owners shall sell to the Company and the Company shall purchase such land on the south side of Hall Lane aforesaid as may be required for the purpose of carrying into effect the provisions of this section and such purchase shall be carried out under the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :
- (3) The Company shall at their own expense have the widened portion of the carriageway and footpath (if any) paved with the same class of pavement as exists in the said main road before it is widened :
- (4) The Company shall place the posts standards or brackets for carrying the electric line or wire for working the tramways by the overhead system of electric traction in such positions as to avoid interference with the access to any property of the owners fronting on the said main road as the owners may reasonably require and if any difference shall arise under this subsection the same shall in default of agreement be determined by arbitration.

For protection of  
Radcliffe  
Urban  
District  
Council.

**39.** In the event of the Company exercising running powers over any of the tramways of the Radcliffe Urban District Council they shall subject to the provisions of this Act so far as they legally can permit the council to run over and use any tramways which the Company may construct in pursuance of this Act in the urban district of Little Lever or over which the Company may exercise running powers in pursuance of the powers of this Act in the urban districts of Farnworth and Whitefield and the consideration terms and conditions for upon and subject to which the said council shall be permitted to run over the tramways of the Company shall be such as may be agreed between the council and the Company Provided that no powers shall be exercised by the council in the urban districts of Farnworth and Whitefield except with the consent of the urban district councils of those districts respectively first had and obtained.

40. The following provisions for the protection and benefit of the Bedford Brewing and Malting Company Limited (in this section referred to as "the brewery company") shall except in so far as may be otherwise agreed between the brewery company and the Company apply and have effect (that is to say):—

A.D. 1901.  
For protection of Bedford Brewing and Malting Company Limited.

(1) The Company shall not acquire any part of the brewery company's property numbered 8 and 10 on the deposited plans for the urban district of Atherton except so much thereof as is shown and coloured pink on a plan signed on behalf of the Company by Kincaid Waller and Manville and on behalf of the brewery company by James Henry Stephen and in the event of their acquiring the same they shall pay to the brewery company the sum of three thousand six hundred pounds for the brewery company's leasehold interest therein and the Company shall throw the portion so taken by them into Market Street and duly pave and flag the same:

(2) The Company shall give six months' notice of their intention to acquire the said lands such notice not to be given later than the first day of April in any year.

41. Before any junction shall be made with the tramways of the Farnworth Urban District Council plans showing the position and mode of construction thereof shall be submitted to and approved by the Farnworth Urban District Council.

For protection of Farnworth Urban District Council.

42. For the protection of the Bridgewater trustees (in this section called "the trustees") the following provisions shall unless otherwise agreed between the Company and the trustees be observed and have effect (that is to say):—

For protection of Bridgewater trustees.

(1) In the works necessary for the widening of the bridge carrying the highway over the Bridgewater trustees colliery railway at Worsley Road in the urban district of Little Hulton the headway of the widened parts of the bridge above the level of such railway shall not be less than that of the existing bridge and the Company shall not do any act or thing which shall occasion any stoppage of or impediment to the passage of the traffic along such railway from or to their collieries and in case by reason or in execution of any of the said works or by reason of the bad state of repair of any of the works when executed any stoppage or impediment shall be occasioned to the passage of traffic along the said railway the Company their successors and assigns shall when and so often as the same shall happen pay to the Bridgewater Trustees their heirs or assigns as and by way of ascertained damages the sum of

A.D. 1901.

one hundred pounds for every day or part of a day beyond a day or any number of days during which such stoppage or impediment to the passage of the traffic along the said railway shall continue and if such stoppage or impediment shall at any one time continue beyond three days the sum of two hundred pounds for every day or part of a day beyond a day or any number of days during which the same shall continue after the first three days :

(2) The Company shall in constructing the tramways in Memorial Road in the urban district of Worsley pave and maintain to the reasonable satisfaction of the Worsley Urban District Council so much of the roadway as lies between the tramways and for a distance of two feet two inches on each side thereof between the points respectively one mile two and five-sixth furlongs and one mile five and one-sixth furlongs from the commencement of Tramway No. 3 as shown on the deposited plans Provided that the Company shall not be required to pave any portion of the said road with wood except as provided by the section of this Act whereof the marginal note is "For protection of Worsley Urban District Council" :

(3) The Company shall at any time after they have constructed tramways in Memorial Road aforesaid pay to the trustees their reasonable costs and expenses in paving half the width of so much of that road as shall be co-extensive with the Walkden Juvenile Schools :

(4) The tramways in Memorial Road aforesaid when constructed shall be subject to the rights of all other persons in the said road and shall also be subject to an agreement dated the seventh day of March one thousand eight hundred and seventy-nine and made between the mayor aldermen and citizens of the city of Manchester of the one part and the Honourable Algernon Egerton M.P. the Honourable Francis Egerton M.P. and the Reverend Lord John Thynne of the other part and to the Manchester Corporation Waterworks Act 1879 :

(5) The Company shall not construct any tramways within nine feet six inches of the kerbstone of the footpath running alongside Worsley Churchyard and in the event of the Company constructing a passing place opposite to Worsley Churchyard the same shall only be constructed in accordance with the plan which has been signed on behalf of the Company by Kincaid Waller and Manville :

(6) In the construction of Tramway No. 5 the Company shall if required by the trustees purchase the severed strip of land

belonging to the trustees between the line of tramway and the Boundary Brook and the price of such land shall be determined in the case of dispute by arbitration: A.D. 1901.

(7) The trustees shall have the right free of charge to construct drains underneath Tramway No. 5 and through the severed land from their adjoining land to the Boundary Brook between the points respectively one furlong and three furlongs from the commencement of the tramway as shown on the deposited plans. Such drains shall be constructed at such points as the trustees may select but such drains shall not exceed three in number:

(8) In the event of the Company constructing a road along Tramway No. 5 the Company shall grant to the trustees and their lessees grantees and others the free use and enjoyment of the said road for all purposes:

(9) The Company shall erect and maintain a substantial fence to the reasonable satisfaction of the trustees between their Tramway No. 5 and the adjacent land of the trustees on the southerly side thereof:

(10) If any question shall arise between the trustees and the Company with reference to this section or anything to be done or not to be done thereunder the same shall be referred to arbitration.

43. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Salford (hereinafter referred to as "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect:— For protection of corporation of Salford.

(1) In this section the word "mains" means and includes mains pipes and apparatus, belonging to the corporation for the conveyance or supply of gas, and the expression "the tramways" includes the tramways authorised by the Act of 1900 as well as the tramways by this Act authorised:

(2) In the construction of the tramways the corporation shall deviate in such places to such extent and in such manner as may be necessary for avoiding interference with any mains but no such deviation shall be so made as to leave a less space than nine feet six inches between the nearest rail of the tramway to be deviated and the outside of the footpath or as to contravene any of the provisions of this Act:

(3) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the other provisions of this section) extend and apply to and in relation to the mains as if the Corporation

A.D. 1901.

had been mentioned in those sections in addition to "company or person" Provided that except in cases of emergency any alteration of the mains shall be made and executed by the corporation at the reasonable cost of the Company upon the corporation giving to the Company not less than seven days' notice in that behalf before the commencement of the works unless the corporation fail to make such alteration within seven days after the Company shall have given them notice requesting them to do so :

- (4) The corporation shall not be liable to the Company for any damages in respect of any failure of their mains or by reason of any subsidence of the ground in which such mains are laid at or near to the points where the tramways are constructed Provided the corporation shall have executed their works with all reasonable care and in a proper and workmanlike manner :
- (5) Any question which may arise between the corporation and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

For protection of  
Newton-in-Makerfield  
Urban  
District  
Council.

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

- (1) The Company shall when or before constructing Tramway No. 2 in Mill Lane widen so much of Mill Lane as is situate within the district of the Council according to the plan signed by Kincaid Waller and Manville on behalf of the Company and by Arthur Bowes on behalf of the council except that—
  - (A) The Company shall not be required to widen such part of Mill Lane as lies under and is crossed by the London and North Western Railway Company's bridge ;
  - (B) The Company shall not be required to widen any part of the Lane the widening of which necessitates the purchase of any buildings other than boundary walls ;
  - (C) The Company shall not be required to widen any part of the Lane unless they can acquire the land necessary for the widening of such part at a cost not exceeding the sum which they would have to pay if the acquisition thereof were the purchase and taking of lands otherwise

than by agreement within the meaning of the Lands Clauses Acts but they shall use their best endeavours to obtain the necessary land and shall acquire the same although the owners thereof and the other persons interested therein may only agree to sell it on such terms. Provided that so long as the Company shall work Tramway No. 2 they shall continue to bonâ fide endeavour to obtain any land required for the widening of Mill Lane in accordance with this subsection and shall so soon as they have obtained any portion thereof forthwith widen that part of the Lane for which the land was acquired in accordance with the said plan :

- (2) The Company when or before constructing the said tramway shall at their own cost and in every respect to the reasonable satisfaction of the council properly level the roadway passing under the westerly arch of the said bridge of the London and North Western Railway Company in such manner that the said roadway shall become and form part of Mill Lane aforesaid and shall construct and make a footpath six feet in width on the westerly side of the said roadway but the Company shall not be called upon to purchase any land for making such roadway :
- (3) Notwithstanding anything in this Act contained the powers conferred upon the Company by the section of this Act the marginal note of which is "Attachment of brackets to buildings" shall not be exercised in regard to any building situate within the district of the council except with the consent in writing of the council :
- (4) The provisions contained in subsections (2) (3) (5) (6) (7) (8) (9) and (10) of section 94 and in subsections (1) (2) (5) (6) and (9) of section 99 of the Act of 1900 shall apply as though they were with the necessary modifications re-enacted in this section :
- (5) Any question which may arise between the council and the Company with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration.

45. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

1901, C.A.

A.D. 1901.

## The SCHEDULE.

### PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

| Borough Urban District or Rural Parish. | Numbers on deposited Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Urban district of Huyton-with-Roby.     | 3 4 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Urban district of Winwick-with-Hulme.   | 2a 8 11.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Urban district of Little Hulton.        | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Urban district of Newton-in-Makerfield. | 2 2a 2b 2c 3 3a 4 4a 7 8 11 14 15 16<br>17 18 19 22 25 25a 25b 25c 25d 25e<br>25f 25g 25h 25k 25l 25m 25n 25o 25p<br>25q 25r 25s 25t 27 28 29 30 31 32 33<br>35 36 37 38 39 42 43 44 45 47 48 59<br>64 70 73 76a.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Urban district of Lowton.               | 1 1a 4 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Urban district of Leigh.                | 9 23 24 24a 24b 26 26a 26b 28 30a 30b<br>30c 30d 30e 30f 30g 30h 30k 30l 31<br>33 34 36 37 38 38a 39 39a 39b 40 40a<br>41 41a 42 42a 42b 44 44a 44b 44c 45<br>45a 45b 46 46a 47 50 50a 50b 51 51a<br>52 53.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Urban district of Atherton.             | 25 25a 25b 25c 26.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Urban district of Haydock.              | 3 4 6 7 7a 7c.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Urban district of Abram.                | 2 2a 2b 3 10 11 12 14 15 20 20a 20b<br>20c 20d 21 21a 22 22a 22b 23 23a 23b<br>24 24a 21b 24c 24e 24f 25 25a 25b 25c<br>25d 25e 25f 26 26a 28 29 29a 29b 29c<br>29d 29e 30 31 31a 31b 31c 31d 31e<br>31f 33 34 34a 34b 34c 35 35a 35b 35c<br>36 36a 36b 36c 36d 36e 37 37a 37b<br>37c 37d 37e 37f 37g 39a 39b 39c 39d<br>39e 39f 39g 39h 39k 39l 39m 39n 40<br>42 42a 43 43a 43b 43c 44 44a 44b 45<br>51 52 52a 52c 52d 53 53a 53b 54 54a<br>55 55a 55b 55c 55d 55e 55f 55g 55h<br>55k 55l 56 56a 56b 57 57a 57b 58 58a<br>58b 59 59a 59b 59c 59d 59e 59f 59g<br>59h 59k 59l 59m 59n 59o 59p 59q 59s<br>59t 59u 59v 59w 59x 59y 59z 68 69 70<br>71 72 73 74 75 77 78 79 80 81 82<br>83 61 61a 61b 61c 61d 61e 62 62a 63<br>63a 63b 63c 64 64a 64b 64c 64e 64f<br>64g 64h 64k 64l 64m 66 66a 66b 66c<br>66d 66e 66f. |

[1 EDW. 7.] *South Lancashire Tramways Act, 1901.* [Ch. cclvii.]

| Borough Urban District or Rural Parish. |   | Numbers on deposited Plan. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | A.D. 1901. |  |
|-----------------------------------------|---|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|
| Urban district of Hindley               | - | 1                          | 1a 1b 2 3 5 6 7 8 9 11 12 14 15<br>15a 17 18 18a 18b 18c 19a 19b 20<br>21 21a 21b 21c 22 22a 22b 22c 22d<br>23 25 26 26a 26b 26c 27 28 28a 28b<br>28c 29 29a 29b 29c 30 30a 30b 30c<br>31 31a 31b 31c 31d 31e 31f 31g 32 33<br>33a 34 34a 34b 34c 34d 34e 35 35a<br>35b 35c 35d 35e 35f 35h 36 37 38 38a<br>38b 40 41 42 42a 42b 42c 42d 43 43a<br>44 44a 44b 44c 44d 45 46 47 48 48a 49<br>49a 49b 49c 49d 50 50a 50b 50c 51 51a<br>52 52a 52b 52c 52d 53 53a 54 54a 54b<br>55 55a 55b 55c 58 58a 59a 59b 59c<br>59d 59e 73 73a 73b 73c 73d 74 74a<br>74b 75 75a 75b 75c 75d 76 76a 76b<br>76c 76d 77 79 79a 79b 79c 79d 80 83<br>83a 83b 83c 83d 83e 83f 83g 84a 84b<br>84c 87 87a 87b 88 88a 88b 88c 88d<br>88e 88f 88g 89 89a 91 91a 91b 92 93<br>94 94a 94b 95 96 96a 96b. |            |  |
| Urban district of Westhoughton          | - | 2                          | 4 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |  |
| Urban district of Golborne              | - | 1                          | 1a 1b 1c 1d 1e 2 3 4 6 6a 6b 6c 6d<br>6e 6f 7 8 9 11 11a 11b 11c 11d 11e<br>10 12 12a 12b 12c 14 14a 14b 14c 14d<br>17a 19 20 23 24 24a 24b 24c 24d 24e<br>24f 24g 25 25a 25b 26 26a 26b 26c<br>26d 26e 26f 26g 28 30 30a 30b 30c 31<br>32 32a 32b 32c 32d 32e 32f 32g 32h<br>32k 33 34 34a 34b 34c 34d 34e 34f 34g<br>36 37 37a 37b 37c 37d 38 38a 38b 38c<br>40 40a 41 41a 42 42a 42b 44 44a 44b<br>45 45a 45b 45c 45d 45e 46 46a 46b<br>46c 46d 47 48 48a 48b 48c 48d 48e<br>49 49a 49b 49c 64 65 66 67 68 69 70<br>71 72 73 74 75 76 77 78 79 80 51<br>52 52a 52b 52c 54.                                                                                                                                                                                                   |            |  |

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