



CHAPTER ccxxvi.

An Act to empower the urban district council of Stretford to construct additional tramways and other works within their district and to make further and better provision for the good government of the said urban district and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS the township or parish of Stretford in the county palatine of Lancaster is an urban district (in this Act referred to as "the district") within the meaning of the Local Government Act 1894 and under the jurisdiction of the Stretford Urban District Council (in this Act called "the Council"):

And whereas under the provisions of the Manchester Sub-urban Tramways Order 1877 confirmed by the Tramways Orders Confirmation Act 1877 certain tramways were constructed in the district and were vested in and worked by the Manchester Carriage and Tramways Company (herein-after referred to as "the Company"):

And whereas the Company under the provisions of the Manchester Carriage and Tramways Company's Order 1897 confirmed by the Tramways Orders Confirmation (No. 1) Act 1897 constructed certain further tramways in the district:

And whereas the Council have under the authority of the said Orders of 1877 and 1897 and of the Tramways Act 1870 acquired from the Company the tramways within their district and under the authority of the Stretford Tramways Act 1899 by agreement have leased the tramways already constructed in their district to the Manchester Corporation (in this Act called "the corporation") and under the terms of the said lease the

A.D. 1904. — corporation have the option of taking a lease of any future tramways or extensions of the existing tramways in the district which the Council may obtain authority to construct :

And whereas it is expedient that the Council should be authorised to construct and work the additional tramways (herein-after described) in the district :

And whereas it is expedient that the Council be authorised to construct the street widenings and works connected therewith herein-after described :

And whereas by the Stretford Electric Lighting Order 1897 confirmed by the Electric Lighting Orders Confirmation (No. 7) Act 1897 the Council were empowered to produce and supply electrical energy to and within the district and by the said Act of 1899 to work the existing tramways electrically and it is expedient that the Council should be empowered to extend the electrical provisions of the said Act of 1899 to the working of the additional tramways by this Act authorised and to enter into contracts and agreements with respect to the supply of electrical energy in bulk to neighbouring local authorities :

And whereas the population of the district is over thirty-three thousand and the assessable value is upwards of two hundred and thirty thousand pounds :

And whereas further powers are required by the Council for the regulation of streets and buildings for the prevention of the spread of infectious diseases for the suppression of nuisances and in relation to sanitary matters generally :

And whereas it is expedient that further borrowing powers be conferred on the Council for the purposes of this Act :

And whereas it is expedient that other provisions for the good government of the district and for the preservation of the health of the inhabitants thereof as are in this Act contained should be sanctioned :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Council for and in relation to the construction of the additional tramways and street works by this Act authorised and such estimates are as follows :—

For the construction of the tramways and street works in connexion therewith thirty thousand pounds :

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And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years : A.D. 1904.

And whereas the Council are the local authority and road authority within the meaning of the Tramways Act 1870 and the local authority authorised to supply electricity within the district under the provisions of the Stretford Electric Lighting Order 1897 and the local authority administering the provisions of the Public Health Acts within the said district :

And whereas there is partly situate within the district an area known as Trafford Park which has been developed and is being further developed as an industrial area with warehouses and manufactories and dwelling-houses schools police station and other adjuncts to a town community and contains undedicated streets along which there have been constructed light railways and other railways with means of access and communication both by rail and road between the said warehouses and manufactories and the Manchester Ship Canal docks and wharves which immediately adjoin Trafford Park :

And whereas the said streets and the entire area of Trafford Park within the district are subject to the provisions of the Public Health Acts and other sanitary Acts and a number of the said streets are being completed by the Council under the said Acts :

And whereas it is desirable that the owners lessees and occupiers of the several warehouses and manufactories should have railway communications and other easements and wayleaves for pipes cables and other privileges in over and along the said streets to be used in connexion with their premises for the purposes of their several businesses and for communicating with the Manchester Ship Canal docks and wharves :

And whereas an absolute majority of the whole number of the Council at a meeting held on the tenth day of November one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Manchester Courier a newspaper published and circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district :

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed :

And whereas plans and sections showing the lines situations and levels of the additional tramways and street works by this Act authorised the plans also showing the lands which may be acquired under the powers of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Stretford Urban District Council Act 1904.

Act divided
into Parts.

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

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Street Works and taking Lands.

Part IV.—Streets and Buildings.

Part V.—Private Improvement Expenses.

Part VI.—Recreation Grounds.

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Part VII.—Sanitary Provisions.

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Part VIII.—Milk Supply.

Part IX.—Advertisement Hoardings and Sky-signs.

Part X.—Finance.

Part XI.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act. Incorporation of general Acts.

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

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings ;

“The clerk” and “the surveyor” respectively mean the clerk and the surveyor of the district ;

“The medical officer of health” means the medical officer of health of the district and shall include any deputy medical officer of health duly appointed ;

“The district fund” and “the general district rate” respectively mean the district fund and the general district rate of the district ;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money (except any security of the Council and any other mortgage bond debenture debenture stock or other security issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council annuities rent-charges and securities transferable by delivery ;

“The tramways” means the tramways by this Act authorised ;

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- “The tramway undertaking” means the tramway and any light railway undertaking of the Council for the time being authorised;
- “The Council’s tramways” includes the tramways and any tramways or light railways for the time being belonging to or demised or leased to or by or worked by the Council;
- “Tramway revenue” means all revenue of the tramway undertaking;
- “Channels” means and includes channels passages and tubes for ropes cables wires and electric lines;
- “Trafford Park” means the property known as the Trafford Park Estate situate partly within the parish and urban district of Stretford and partly within the parish of Davyhulme and rural district of Barton-upon-Irwell in the county of Lancaster and which (with the exception of a portion in the said parish of Davyhulme abutting upon the south side of the Bridgwater Canal) is bounded on the north by the Manchester Ship Canal and by Trafford Wharf Road and other property of the Manchester Ship Canal Company on the east by Trafford Road and on the south and west by the Bridgwater Canal;
- “Mechanical power” includes steam electrical and every other motive power not being animal power;
- “Engine” includes motor;
- “Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith;
- “Drain” includes any sewer which is not vested in the Council;
- “Sky-sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky-sign shall be visible against the sky from some point in any street or public way and includes all and every part of any

such post pole standard framework or other support
The expression "sky-sign" shall also include any
balloon parachute or similar device employed wholly
or in part for the purposes of any advertisement or
announcement on over or above any building structure
or erection of any kind or on or over any street or
public way but shall not be deemed to include (i) any
flagstaff pole vane or weathercock unless adapted or
used wholly or in part for the purposes of any adver-
tisement or announcement (ii) any sign or any board
frame or other contrivance securely fixed to or on the
top of the wall or parapet of any building or the cornice
or blocking course of any wall or to the ridge of a roof
provided that such board frame or other contrivance be
of one continuous face and not open work and do not
extend in height more than three feet above any part
of the wall or parapet or ridge to against or on which
it is fixed or supported (iii) any word letter model sign
device or representation as aforesaid relating exclusively
to the business of a railway company and placed wholly
upon or over any railway station yard platform or
station approach belonging to a railway company and
so placed that it cannot fall into any street or public
place;

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"The Public Health Acts" means the Public Health Act
1875 and any Act amending the same;

"Owner" has the same meaning as it has in the Public
Health Act 1875 and any Act amending the same;

"Daily penalty" means a penalty for each day on which
any offence shall continue after conviction thereof.

PART II.

TRAMWAYS.

5. Nothing in this Act shall authorise the Council except
with the previous consent of the Corporation in writing to inter-
fere with any tramway either within or without the district
leased to or owned by the Corporation.

As to consent
previous to
interference
with certain
tramways.

6. Subject to the provisions of this Act the Council may
if they think fit lay down use and maintain in the lines and
situations and according to the levels shown on the deposited

Power to
make addi-
tional tram-
ways.

A.D. 1904. plans and sections the tramways herein-after described with all necessary and proper rails plates sleepers channels passages and tubes for ropes cables wires and electric lines junctions turntables turnouts crossings passing-places stables carriage-houses engine boiler and dynamo houses sheds buildings engines dynamos works and conveniences connected therewith respectively.

The following are the tramways herein-before referred to and authorised by this Act :—

Tramway No. 1 (double line) in the parish and urban district of Stretford commencing by a junction with Tramway No. 5 in Warwick Road at a point 0·4 chain south of its intersection with Talbot Road and proceeding thence for a distance of 4 furlongs 2·8 chains in a north-easterly and easterly direction along Talbot Road and terminating therein by a junction with the Stretford Tramways at a point 3·75 chains east of the intersection of Seymour Grove therewith :

Tramway No. 2 (double line) in the parishes of Stretford and Chorlton-cum-Hardy and urban districts of Stretford and Withington commencing by a junction with the Manchester and District Tramways in Upper Chorlton Road at a point 0·56 chain east of the intersection of Seymour Grove therewith and proceeding thence in a northerly direction along Seymour Grove for a distance of 6 furlongs 5·58 chains and terminating by a junction with Tramway No. 1 in Talbot Road at a point 0·55 chain to the west of the intersection of the two last-named thoroughfares :

Tramway No. 3 (double line) in the parish and urban district of Stretford commencing at the boundary of the parishes of Stretford and Chorlton-cum-Hardy in Seymour Grove and proceeding thence in a north-easterly direction for 1·7 chains and terminating by a junction with Tramway No. 2 in Seymour Grove at a point 1·61 chains north of its intersection with Upper Chorlton Road :

Tramway No. 4 (double line) in the parish and urban district of Stretford commencing by a junction with Tramway No. 2 in Seymour Grove at a point 0·5 chain south of its intersection with Talbot Road and proceeding thence in a north-easterly direction for a distance of 0·75 chain to a junction with Tramway No. 1 in Talbot Road at a

point 0·45 chain east of its intersection with Seymour Grove: A.D. 1904.

Tramway No. 5 (double line) in the parish and urban district of Stretford commencing in a road continuous with and from the south end of Warwick Road at a point 1 furlong 1·52 chains south of its intersection with Talbot Road and proceeding thence in a northerly direction along Warwick Road for a distance of 2 furlongs 8 chains to a junction with the Stretford Tramways in Chester Road at a point 0·75 chain west of its intersection with Warwick Road:

Tramway No. 6 (double line) in the parish and urban district of Stretford commencing by a junction with Tramway No. 5 in Warwick Road at a point 0·6 chain north of its intersection with Talbot Road and proceeding thence in a south-easterly direction for a distance of 0·74 chain to a junction with Tramway No. 1 in Talbot Road at a point 0·6 chain east of its intersection with Warwick Road:

Tramway No. 7 (double line) in the parish and urban district of Stretford commencing by a junction with Tramway No. 5 in Warwick Road at a point 0·7 chain south of its intersection with Chester Road and proceeding thence in a northerly direction for a distance of 1·05 chains to a junction with the Stretford Tramways in Chester Road at a point 0·6 chain east of its intersection with Warwick Road:

Tramway No. 10 (double line) in the parish and urban district of Stretford commencing in Park Road at a point 0·6 chain south of its intersection with Derbyshire Lane and proceeding thence in a south-easterly direction along Derbyshire Lane for a distance of 4 furlongs 0·15 chain to a junction with the Stretford Tramways in Chester Road at a point 0·7 chain north of its intersection with Derbyshire Lane:

Tramway No. 11 (double line) in the parish and urban district of Stretford commencing in Derbyshire Lane by a junction with Tramway No. 10 at a point 0·85 chain west of its intersection with Chester Road and proceeding thence in a south-easterly direction for a distance of 1·2 chains to a junction with the Stretford Tramways in

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Chester Road at a point 0·85 chain south of its intersection with Derbyshire Lane:

Tramway No. 12 (double line) in the parish and urban district of Stretford commencing in Derbyshire Lane by a junction with Tramway No. 10 at a point 0·6 chain east of its intersection with Park Road and proceeding thence in a north-westerly direction for a distance of 0·95 chain to a point in Park Road 0·46 chain north of its intersection with Derbyshire Lane.

All the proposed tramways shall be constructed on a gauge of four feet eight and one-half inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

Certain portions of tramway only to be constructed in certain events.

7. The tramways so far as they are proposed to be made in the following respective streets (that is to say):—

Warwick Road;

Talbot Road;

Seymour Grove;

shall not be constructed unless and until the carriageway of those streets respectively shall have been so widened that for a distance of thirty feet or upwards a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Council may reduce width of footway for constructing tramway.

8. For the purpose of constructing any tramway in any street within the district the Council may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street Provided that no footway be so reduced as to be less than six feet wide.

Time for completion of tramways.

9. If the tramways be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed.

Inspection by Board of Trade.

10. No part of the tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

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

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Tramways to be kept on level of surface of road.

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

As to rails of tramways.

13. In addition to observing the requirements of section 26 of the Tramways Act 1870 the Council shall before they proceed to open or break up any road for the purpose of constructing any of the tramways within the district lay before the Board of Trade a plan showing the proposed mode of constructing such tramways and a statement of the materials intended to be used therein and the Council shall not commence the construction of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Plan of proposed mode of construction.

14. The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the Council's tramways by this Act authorised within the district and the substructure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and roads.

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

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Cross-over
to be con-
structed
where less
than a cer-
tain width
left between
footway and
tramway.

15. Where in any road in which a double line of tramway is laid there shall for a distance of thirty feet or upwards be a less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Council shall if and when required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to
make addi-
tional cross-
ings &c.

16.—(1) The Council may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Council's tramways or for providing access to any warehouses stables or carriage-houses depôts engine-houses generating stations or works of the Council or of the corporation.

(2) Notwithstanding anything shown on the deposited plans the Council may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which the tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Council may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Council within three weeks after receiving the notice from the Council express their objection thereto.

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

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Temporary tramway to be made where necessary.

18. Any paving metalling or material excavated by the Council in the construction of the tramways from any road under their jurisdiction or control shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they think fit.

Application of road material excavated in construction of works.

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

Provisions as to motive power.

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

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

(3) The Council or any corporation company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

(A) That the Council or any such corporation company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations

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whether a penalty in respect of such non-compliance has or has not been recovered ; or

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

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

Special provisions as to use of electrical power.

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

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

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

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking: A.D. 1904.
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (6) If any difference arises between the Council and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (7) The expression "Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Council.

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

For protec-
tion of Post-
master-
General.

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(B) In the event of any of the Council's tramways being worked by electricity the following provisions shall have effect:—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be determined by arbitration:

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

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

(B) Any difference which arises between the Postmaster-General and the Council as to any requirement so made shall be determined by arbitration:

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Council pursuant to the Board of Trade regulations:
- (5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (6) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through

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induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the Council's tramways.

Power to
attach
brackets &c.
to buildings.

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

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

- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):
- (3) The owner may require the Council to temporarily remove the attachments where necessary during any reconstruction or repair of the building:

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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.

23. Subject as is herein-after provided nothing in this Act contained shall prejudice or affect the right of the Trafford Power and Light Supply (1902) Limited (in this section referred to as "the company") to supply electrical energy and fuel gas in Trafford Park and if and so long as the company are able and willing to and do supply such electrical energy the Council shall not exercise within Trafford Park their powers under the Stretford Electric Lighting Order 1897 or any other powers which the Council may acquire for that purpose nor consent to the exercise by any other body or person of such powers. Provided that the provisions of this section shall not prevent or interfere with the exclusive supply by the Council of energy for the purpose of lighting any streets and roads within the district repairable by the inhabitants at large or after the expiration of two years from the passing of this Act for the purpose of electric traction in Trafford Park. Provided also that the provisions of this section shall not inure for the benefit of or apply to any assignees of the Company except with the consent of the Council.

For protection of Trafford Power and Light Supply (1902) Limited.

24. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway)

Apparatus used for mechanical power to be

A.D. 1904. shall apply as if all posts tubes pipes wires and other apparatus
deemed part used or to be used by the Council for the purposes of mechanical
of tramway. power were parts of the tramway.

As to re-
moval of re-
fuse &c.

25. Subject to the provisions of this Act the Council may
by agreement with the owner and lessee of any existing tramway
or light railway use such tramway or light railway with carriages
having flanged or other suitable wheels moved by horses or
otherwise for the removal of house refuse scavenging stuff road
material and other materials required by the Council.

Subject as aforesaid the Council may enter into agreements
for the purposes of this section and shall have power to form
connexions between the tramway or light railway and any yards
or works belonging to the Council Provided that the Council
shall indemnify the owner or lessee of any tramway or light
railway against any damage done to the permanent way or
equipment by such use.

Power to
lease tram-
ways to cor-
poration of
Manchester.

26. The Council may after construction lease the tramways
by this Act authorised or any part thereof to the corporation for
such period or periods and on such terms and conditions as may
have been or may be agreed upon Provided that no lease shall
be valid unless approved by the Board of Trade.

Working and
traffic agree-
ments.

27. Subject to the provisions of this Act the Council may
enter into and carry into effect agreements with any local autho-
rity company body or person owning leasing running over or
using any tramway tramroad or light railway with which any
tramway tramroad or light railway of or leased to worked or
run over by the Council connects with respect to the lease re-
construction alteration equipment working running over use
management and maintenance of either or both of the respective
tramways tramroads light railways and works owned by leased
to run over or used by either of the contracting parties or any
part or parts thereof respectively the making of all necessary
junctions the supply by either of the contracting parties to the
other of them under and during the continuance of any such
agreement of rolling stock plant machinery and electrical energy
or power necessary for the purposes of such agreement the
appointment and removal of officers and servants the payments
to be made and the conditions to be performed in respect of
any such lease or other such contract or agreement or in respect
of such working use management maintenance or the exercise

of running powers the interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the payment collection division and apportionment of the revenue arising from the respective undertakings and the payment of any fixed or contingent rent. A.D. 1904.

28. The Council may provide maintain work and run omnibuses (whether moved by animal or by mechanical power) within the district in connexion with the tramways of the Council when the running of carriages thereon is impracticable or during the construction reconstruction alteration or repair thereof or in extension of any of such tramways or for the purpose of connecting together any of such tramways and also for testing the amount of traffic along any route or between any particular points and the Council may demand take and recover tolls and fares for the use of such omnibuses Provided that any omnibuses moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General. Council may run omnibuses.

29. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take tolls and charges in respect of any of the Council's tramways (subject as to such of them as are leased or agreed to be leased by the Council to any other body or person to the terms and conditions of such lease or agreement) and in respect of the use of such carriages and may provide such tramway plant (including in that word stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences) as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and apply the proceeds of any such sale in manner provided by the section of this Act whereof the marginal note is "Application of moneys arising from sale of lands." Power to Council to work tramways.

30. The tramways shall for all purposes of tolls rates and charges form part of the tramway undertaking of the Council. Tramway to form part of tramway undertaking for purposes of tolls rates and charges.

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As to fares
on Sundays
and holidays.

Cheap fares
for labouring
classes.

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

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

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

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

Periodical
revision of
fares and
charges.

33. If at any time after three years from the opening for public traffic of the tramways or any portion thereof within the district or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district or by the Council that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by

this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided that a copy of this section shall be annexed to every table or list of fares published or exhibited by the Council or their lessees. A.D. 1904.

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

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

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

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

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

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

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

35. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Council to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations but the byelaws of the Council may restrict the rate of speed to a lower rate than that so authorised. Amendment
of Tram-
ways Act
1870 as to
byelaws by
local autho-
rity.

A.D. 1904.
Carrying of
mails by
Council.

36. The Conveyance of Mails Act 1893 shall extend and apply to any tramways owned or worked by the Council as if such tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three but as to existing tramways only after the expiration of the subsisting leases thereof.

Orders &c.
of Board of
Trade.

37. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Provision as
to general
Tramway
Acts.

38. Nothing in this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares or charges authorised in respect of any of the tramways.

Temporary
stoppage of
streets.

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

For pro-
tection of
owners &c.
in Trafford
Park.

40. Notwithstanding anything contained in the Public Health Acts or in any Act relating to improvements in the district or in this Act or in any byelaw made by the Council the following provisions for the protection and benefit of the Trafford Park Estates Limited (in this section called "the estates company") and other the owners lessees and occupiers of any land and premises in Trafford Park (including any persons having the powers of tenant for life under the Settled Land Acts 1882 to 1890) all or any of whom are in this section referred to as "the owners" shall except so far as may be otherwise agreed in writing between the Council and the owners apply and have effect in respect of any road or street in Trafford Park within the district (that is to say):—

(1) The owners shall have power at all times hereafter to grant any easement wayleave right liberty and privilege and the owners and grantees shall have power at all times hereafter to exercise and enjoy any easement wayleave right liberty and privilege now or

hereafter to be granted to or vested in them to construct use maintain and renew in over under along or across any road or street already laid out or hereafter to be laid out in Trafford Park within the district :—

(A) Any bridge cables wires pipes tubes channels conduits electrical or other conductors and apparatus or other means of industrial communication or service herein-after collectively referred to as "works"; and

(B) Any line or lines of rails for the conveyance of waggons or carriages drawn by any description of motive power for the purpose of communicating between the premises of the owners and the Manchester Ship Canal docks and any wharves and railways connected therewith or with any railway or canal within or communicating with Trafford Park;

and for all or any of the purposes aforesaid to open and break up any road or street :

Provided that no owners other than the estates company shall make any such grant except in respect of so much of any such road or street as is alongside of or upon the lands of any such owners or co-extensive with that portion of any line or lines of rails upon which such lands abut and that nothing shall be done which will in any way interfere with or affect any easement wayleave right liberty or privilege which has been granted to or conferred upon the owners before the passing of this Act :

(2) No such works or lines of rails shall be laid or constructed in under over along or across any road or street which at the time of such laying or construction is repairable by the inhabitants at large otherwise than subject to the following conditions and to such further reasonable conditions (if any) as the Council may think necessary for securing the safety of the public and the use and maintenance of such road or street for vehicular and other traffic namely :—

(A) All rails laid shall be so laid and maintained that where they cross the carriageway or footway or

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are laid along the carriageway of any road or street the upper surfaces thereof shall be upon a level with the surface of such carriageway or footway ;

(B) Before any works or rails are laid or constructed in any road or street the owner of such works or rails shall submit to the Council and to the owner of any premises abutting on that portion of any road or street in which any such works or rails are proposed to be constructed or laid a plan showing the proposed position and method of construction of such works or rails ;

(c) The Council shall within twenty-one days after the receipt of such plan by them notify in writing to the owner of such works or rails their consent or their objection to the laying or construction of the works or rails in the manner shown on such plan or the conditions on which they will consent to the laying or construction of the same but such consent shall not be unreasonably withheld ;

(D) If within the said period of twenty-one days the Council shall not have given such notice in writing they shall be deemed to have consented to the laying or construction of the works or rails in the manner shown on such plan ;

(E) No works or rails shall be laid or constructed before the expiration of the said period of twenty-one days unless the Council shall have notified their consent as aforesaid nor shall any works or rails be laid or constructed after the expiration of the said period of twenty-one days in respect of which the Council shall have notified as aforesaid any objections or conditions until any difference between the owner of such works or rails and the Council as to such objections or conditions shall have been determined by arbitration as herein-after provided ;

(F) No railway waggons or railway carriages shall be allowed to remain at rest for more than five minutes at one time on any line of rails laid along the carriageway or crossing the carriageway or footway of any road or street ;

(G) The owner of any rails shall at all times A.D. 1904.
pave the spaces between any rails laid along the
carriageway or across the carriageway or footway
of any road or street and for a distance of not less
than eighteen inches on each side of every line of
rails and maintain and keep such paving in good
repair and condition to the reasonable satisfaction
of the Council ;

(H) Where any line of rails shall be constructed
across the carriageway or footway of any road or
street which shall not at the time of such con-
struction be paved the owner of any such rails
shall pave the space between the rails and for a
distance of not less than three yards on each side
of such line of rails and shall so long as the
remaining part of such road or street shall continue
to be unpaved maintain and keep such paving in
good repair and condition to the reasonable satis-
faction of the Council ;

(I) The owner of any such rails shall provide
such means of access across any such rails between
any road or street and the premises of the owners
abutting upon such road or street as the Council
may reasonably require ;

(J) The provisions of the Gasworks Clauses Act
1847 with respect to the breaking up repair and
reinstatement of roads or streets shall so far as
the same are applicable and are not inconsistent
with the provisions of this section apply to the
works and rails :

- (3) If the Council put in force in respect of any street
or road in Trafford Park the provisions of sections
150 151 or 152 of the Public Health Act 1875 or of
the Private Street Works Act 1892 or of any Act
amending the same they shall not make any require-
ment which is not reasonably necessary for a road
used for industrial purposes and the byelaws of the
Council shall not be deemed to prevent the laying out
and construction of roads or streets in the manner
heretofore customary in Trafford Park :

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(4) Subject to the exercise and enjoyment of any easement wayleave right liberty and privilege granted or conferred by the estates company before the passing of this Act nothing in this section contained shall prejudice or affect any powers rights privileges or authorities conferred upon the West Manchester Light Railways Company by any order made under the Light Railways Act 1896 nor authorise the owners to connect any line of rails with or otherwise interfere with the railways or tramroad of that company except with the consent in writing of that company or their successors or assigns but such consent shall not be unreasonably withheld in the case of the laying or construction across or under such railways or tramroad of any works or rails under the provisions of this section :

(5) In the event of any dispute or difference arising under this section as to whether any consent or approval is unreasonably withheld or as to the reasonableness of any objection condition or requirement or otherwise in respect of any of the provisions of this section the same shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party.

For protec-
tion of North
Cheshire
Water Com-
pany.

41. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the North Cheshire Water Company (in this section referred to as "the water company") shall except so far as may be otherwise agreed between the Council and the water company apply and have effect:—

(1) Whenever in the execution of the powers contained in this Act or in section 30 of the Tramways Act 1870 it shall be necessary to lower alter interfere with or disturb any mains belonging to the water company such lowering alteration interference or disturbance shall be effected by and under the direction of the water company according to plans and specifications to be agreed upon between the Council and the water company such plans to be prepared by the water company and all expenses reasonably incurred by the water company in pursuance of this subsection shall be repaid to them by the Council :

- (2) The cost of constructing providing and laying any new mains in substitution for any which may be rendered useless by the construction or user of the tramways and the value of any mains belonging to or under the control of the water company rendered useless or unproductive to them by the works authorised by this Act shall be paid by the Council to the water company: A.D. 1904.
—
- (3) When under the foregoing provisions of this section new mains shall be laid down in the place of existing mains the water company may use mains of dimensions larger than those of the existing mains but the Council shall (unless the increased dimensions are rendered necessary by reason of the construction or user of the tramways) only be required to pay the expenses which would have been incurred by the substitution of mains of dimensions equal to those of the existing mains:
- (4) In the event of any difference arising between the Council and the water company on any matters in this section the same shall be determined by arbitration the arbitrator being appointed in default of agreement on the application of either party by the Board of Trade:
- (5) All and singular the sums of money herein-before provided to be paid by the Council to the water company may be recovered by them by all and the same means as any simple contract debt:
- (6) The water company and the Council may by agreement under seal alter or modify any of the provisions of this section.

42. For the protection of the Cheshire Lines Committee (herein-after referred to as "the committee") the following provisions shall unless otherwise agreed by the committee in writing under their common seal apply and have effect:— For protec-
tion of Che-
shire Lines
Committee.

- (1) The Council shall not without in every case the previous consent of the committee under their common seal take use enter upon or interfere with any lands railway sidings or other works from time to time belonging to or worked by the committee:

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(2) All works by this Act authorised where the same will be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the committee or will otherwise interfere with the same shall be executed so as not to injuriously interfere with the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and approved by the committee or in case of difference between them and the Council by an arbitrator to be appointed as herein-after provided All such works shall be executed and thereafter maintained by the Council according to the plans sections and specifications so approved and under the superintendence and to the satisfaction of the committee The Council shall so construct maintain and use the tramways and works by this Act authorised as not to injuriously affect any such bridge or other work and in the event of any injury being occasioned to such bridge or work by the construction maintenance or user of the tramways and works by this Act authorised upon across under or over the same the committee may make good the injury and may recover from the Council the reasonable expense of so doing :

(3) If by reason of the traffic carried on the tramways by this Act authorised or of the character of the motive power used by the Council or the weight of the carriages engines or other rolling stock of the Council any bridge belonging to or maintainable by the committee and upon which any tramway is laid though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon it and it is therefore reasonably necessary to strengthen the same the committee shall give notice accompanied by sufficient plans and specifications to the Council of such works as may be reasonably necessary and may after fourteen days from the date of the notice proceed with all due despatch to execute the same but in all things at the expense of the Council and the committee may recover

from the Council all money reasonably expended by them in the execution of such works as aforesaid : A.D. 1904.

- (4) The Council shall on demand pay to the committee the reasonable expense of the employment by the committee during the execution or repair by the Council under this Act of any work affecting any bridge railway siding or other work belonging to the committee of a sufficient number of inspectors watchmen and signalmen to be appointed by the committee for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employment of either of them or otherwise :
- (5) The Council shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway siding or other work belonging to the committee or any traffic thereon :
- (6) The Council shall be responsible for and make good to the committee all losses damages and expenses which may be occasioned to the committee or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the tramways or works by this Act authorised or by reason of any act or default or omission of the Council or of any person in their employment or of any contractors for the works authorised by this Act or otherwise and the Council shall effectually indemnify and hold harmless the committee from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (7) Whenever the committee shall hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches thereto or to widen or alter their railway or to lift or support any such bridge approaches or other work owing to the subsidence thereof caused by the minerals thereunder having been or being worked the Council shall afford

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to the committee all reasonable and proper facilities for those purposes or any of them and if the committee shall find it necessary for any such purposes that the working or user of any portion of the tramway over such bridge or approaches or under such bridge shall be wholly or in part stopped or delayed or that such portion of the tramways by this Act authorised shall be wholly or in part taken up or removed and the committee shall give to the Council seven days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such portion of the tramway shall be stopped or delayed or such portion of the tramway shall be taken up or removed as stated in such notice at the reasonable expense of the Council and under their superintendence if they shall give such superintendence but the working or user of such portion shall not be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramway shall be restored with all possible despatch and the Committee shall not be liable for any compensation claims damages or expenses in respect of such stoppage delay or taking up or removal as aforesaid :

- (8) Any additional expense in the maintenance of any such bridge or other work occasioned to the committee by the construction or user of the tramways by this Act authorised shall be borne by the Council :
- (9) The Council shall not alter the level of the approaches to or roadway under any bridge belonging to or maintainable by the committee or the level of any road so as to injuriously affect the access to any premises of the committee without in either case the consent in writing of the committee but such consent shall not be unreasonably withheld :
- (10) In the event of the tramways by this Act authorised being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the committee be attached to any bridge house building property or

other work belonging to or maintainable by the committee Such consent shall not be unreasonably withheld : A.D. 1904.

(11) If having regard to the proposed position of any works of the Council by this Act authorised when considered in relation to the position of the works of the committee at any point where the tramways and works by this Act authorised will be constructed over or under any railway of the committee it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the committee shall be altered the committee may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Council :

(12) The Council shall not stop or permit to be stopped any engine carriage or other vehicle used on the tramways in front of or opposite to the entrance to any station or goods yard belonging to or maintainable by the committee except only for so long as may be reasonably necessary for the purposes of discharging or taking up passengers or in case of emergency or to meet the requirements of the Board of Trade :

(13) If any difference shall arise between the Council and the committee as to the reasonableness of the requirements of the committee or their engineer or as to the execution of any works provided for by this section or as to any other matter arising under this section the same shall be settled by arbitration by an engineer to be appointed by the Council and the committee and if they cannot agree then by an engineer to be appointed by the Board of Trade.

• **43.** For the protection of the Manchester South Junction and Altrincham Railway Company (in this section referred to as "the company") the following provisions shall (unless otherwise agreed by the company in writing under their common seal) apply and have effect : —

(1) The Council shall not without in every case the previous consent of the company under their common seal take

For protection of Manchester South Junction and Altrincham Railway Company.

A.D. 1904.

use enter upon or interfere with any lands railways sidings or other works from time to time belonging to or worked by the company :

- (2) All works by this Act authorised where the same will be made upon across or over any tunnel bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise interfere with the same shall be executed so as not to injuriously interfere with the structure of any such tunnel bridge approaches or other work and according to plans sections and specifications to be previously submitted to and approved by the company or in case of difference between them and the Council by an arbitrator to be appointed as herein-after provided All such works shall be executed and thereafter maintained by the Council according to the plans sections and specifications so approved and under the superintendence and to the satisfaction of the Company The Council shall so construct maintain and use the tramways and works by this Act authorised as not to injuriously affect any such tunnel bridge or other work and in the event of any injury being occasioned to such tunnel bridge or work by the construction maintenance or user of the tramways and works by this Act authorised upon across or over the same the company may make good the injury and may recover from the Council the reasonable expense of so doing :
- (3) If by reason of the traffic carried on the tramways by this Act authorised or of the character of the motive power used by the Council or the weight of the carriages engines or other rolling stock of the Council any tunnel or bridge belonging to or maintainable by the company and upon which any tramway is laid though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon it and it is therefore reasonably necessary to strengthen the same the company shall give notice accompanied by sufficient plans and specifications to the Council of such works as may be reasonably

necessary and may after fourteen days from the date of the notice proceed with all due despatch to execute the same but in all things at the expense of the Council and the company may recover from the Council all moneys reasonably expended by them in the execution of such works as aforesaid :

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- (4) The Council shall on demand pay to the company the reasonable expense of the employment by the company during the execution or repair by the Council under this Act of any work affecting any tunnel bridge railway siding or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employment of either of them or otherwise :
- (5) The Council shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway siding or other work belonging to the company or any traffic thereon :
- (6) The Council shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the tramways or works by this Act authorised or by reason of any act or default or omission of the Council or of any person in their employment or of any contractors for the works authorised by this Act or otherwise and the Council shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (7) Whenever the company shall hereafter require to widen lengthen strengthen reconstruct alter or repair

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any such tunnel bridge or the approaches thereto or to widen or alter their railway or to lift or support any such tunnel bridge approaches or other work owing to the subsidence thereof caused by the minerals thereunder having been or being worked the Council shall afford to the company all reasonable and proper facilities for those purposes or any of them and if the company shall find it necessary for any such purposes that the working or user of any portion of the tramway over such tunnel bridge or approaches or under such tunnel or bridge shall be wholly or in part stopped or delayed or that such portion of the tramways by this Act authorised shall be wholly or in part taken up or removed and the company shall give to the Council seven days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such portion of the tramway shall be stopped or delayed or such portion of the tramway shall be taken up or removed as stated in such notice at the reasonable expense of the Council and under their superintendence if they shall give such superintendence but the working or user of such portion shall not be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramway shall be restored with all possible despatch and the company shall not be liable for any compensation claims damages or expenses in respect of such stoppage delay or taking up or removal as aforesaid :

- (8) Any additional expense in the maintenance of any such tunnel bridge or other work occasioned to the company by the construction or user of the tramways by this Act authorised shall be borne by the Council :
- (9) The Council shall not alter the level of any road over or adjoining any tunnel or bridge belonging to or maintainable by the company so as to injuriously affect the access to any premises of the company without in either case the consent in writing of the company but such consent shall not be unreasonably withheld ;

- (10) In the event of the tramways by this Act authorised being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be erected over or attached to any tunnel bridge house building property or other work belonging to or maintainable by the company Such consent shall not be unreasonably withheld : A.D. 1904.
- (11) If having regard to the proposed position of any works of the Council by this Act authorised when considered in relation to the position of the works of the company at any point where the tramways and works by this Act authorised will be constructed over any railway of the company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Council :
- (12) The Council shall not stop or permit to be stopped any engine carriage or other vehicle used on the tramways in front of or opposite to the entrance to any station or goods yard belonging to or maintainable by the company except only for so long as may be reasonably necessary for the purposes of discharging or taking up passengers or in case of emergency or to meet the requirements of the Board of Trade :
- (13) If any difference shall arise between the Council and the company as to the reasonableness of the requirements of the company or their engineer or as to the execution of any works provided for by this section or as to any other matter arising under this section the same shall be settled by arbitration by an engineer to be appointed by the Council and the company and if they cannot agree then by an engineer to be appointed by the Board of Trade.

44. For the protection of the corporation the following provisions shall except so far as it may be otherwise agreed in

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— (that is to say):—

- (1) Before any works of the Council by this Act authorised affecting the main outfall sewer or the storm overflow or any sewers or works of the corporation in the township of Stretford are commenced by the Council a plan and section showing in detail the intended works of the Council in relation to such outfall sewer storm overflow sewers or works of the corporation shall be furnished for the sanction and approval of the corporation to the surveyor for the time being of the city of Manchester who shall thereupon specify and describe the works which the corporation may reasonably require to be executed by the Council for the protection of the said outfall sewer storm overflow sewers and works and for enabling the same to be maintained and the works of the Council shall be executed in accordance with such requirements and not otherwise Any additional cost to which the corporation may be put in the maintenance repair or renewal of the said outfall sewer and storm overflow sewers or works in consequence of the works by this Act authorised and any expense incurred by the corporation in the superintendence of the works during construction shall be paid to the corporation by the Council and all works which the Council are hereby required to construct shall be maintained by them at their own expense :
- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall extend and apply to the corporation with reference to their gas and water mains pipes and apparatus in like manner as they apply to a company or person being the owner of gas and water mains pipes or apparatus Provided that the Council shall not lower alter or interfere with any mains of the corporation to the lowering altering or interference with which having regard to their size or importance the corporation shall reasonably object :
- (3) Nothing in this Act contained shall prejudice the rights of the corporation under any existing agreement

between the corporation and the Council in reference to tramways in the district of Stretford : A.D. 1904.

- (4) If any difference arise between the corporation and the Council touching this section or anything to be done or not to be done or any money to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on the application of either of the parties) by the President for the time being of the Institution of Civil Engineers :
- (5) On the expiration of the existing lease to the corporation of the tramways in the district the corporation shall for the purpose of obtaining access to their tramway depôt and for that purpose only be at liberty to run over and use with their engines carriages officers and servants so much of any tramways in Chorlton Road and Cornbrook Street as will enable the corporation to obtain access to their tramway depôt in those streets from the tramways of the corporation in the city upon such terms conditions and regulations as shall be agreed upon between the corporation and the Council or failing agreement determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

45. The provisions of the section of this Act the marginal note whereof is "For protection of North Cheshire Water Company" shall extend and apply to the Stretford Gas Company and nothing in this Act contained shall prejudice alter or affect any right of the said gas company under any Act of Parliament or any agreement made in pursuance thereof existing at the passing of this Act. For protection of Stretford Gas Company.

46. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the county council of the administrative county of the county palatine of Lancaster (herein-after called "the county council") and the ratepayers and inhabitants of the administrative county unless otherwise agreed in writing between the county council and the urban council (that is to say) :— For protection of Lancashire County Council.

- (1)—(A) Before any tramway by this Act authorised to be laid in or along any main road within the administra-

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tive county is opened for public traffic the urban council shall at their own expense widen the main road along which such tramway shall be laid to a uniform width of not less than thirty-three feet of metalled carriageway where the tramway is to be laid if a double line and twenty-seven feet of metalled carriageway where it is laid as a single line with passing places in addition to the existing width of footpath save and excepting where owing to there being buildings opposite each other on both sides of the road the cost of purchasing land for such widening would be unreasonably excessive the urban council shall on obtaining a certificate of exemption from the county surveyor be exempt from the obligation of this section Any difference or dispute between the urban council and the county council which may arise as to whether such certificate should be given or otherwise in respect of this section shall be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board :

(B) The urban council shall at their own expense pave the widened portion of the carriageway and footpath (if any) with the same class of pavement as exists in the main road before it is widened :

(2) The urban council shall at their own expense pave so much of any main road whereon any tramway is laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the county council may reasonably approve and in all cases where the nearest rail of such tramway is of less distance than seven feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening spaces between the rails or footpath or boundary of the carriageway shall be paved in like manner to the reasonable satisfaction of the county council and in the event of any subsequent deviation or alteration of the said tramways the consent of the county council shall be obtained before such deviation or alteration is made.

PART III.

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STREET WORKS AND TAKING LANDS.

47. Subject to the provisions of this Part of this Act the Council in the lines and situation and according to the levels shown on the deposited plans and sections and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference may if they think fit wholly in the district make and maintain the following street works in connexion with the tramways by this Act authorised (that is to say) :—

Power to execute street works.

Tramway No. 5 :

A widening of Warwick Road on the east and west sides thereof respectively and its continuation southwards.

48. In constructing the said street works the Council may deviate from the centre line shown on the deposited plans to the extent of the limits of deviation marked thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet.

Power of deviation.

49. Subject to the provisions of this Act the Council may within the limits of deviation shown on the deposited plans make and maintain all such approaches retaining walls embankments fences girders bridges arches sewers drains goits culverts excavations and other works and conveniences connected with the tramways and street works as they may deem necessary.

Power to make general works.

50. Subject to the provisions of this Act the Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of the tramways and street works by this Act authorised or (in the case of constructing any new streets or the widening or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street.

Power to take lands.

51. The Council may with the consent of the Local Government Board appropriate and use for any of the purposes of this Act any lands for the time being vested in them and not required for the purposes for which the same were acquired but nothing in this section shall authorise the Council to create or permit any nuisance on such lands.

Council may use their own lands for purposes of Act.

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If the Council appropriate for the purposes of this Act any lands so vested in them they shall debit the account for which the said lands are appropriated with a reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

For protec-
tion of Lan-
cashire
County and
Manchester
Cricket
Club.

52. Notwithstanding anything in this Act contained to the contrary the following provision shall apply and have effect for the protection of Albert Neilson Hornby and Charles Henry Benton or other the owner or owners for the time being of the cricket ground belonging to or held in trust for the Lancashire County and Manchester Cricket Club (that is to say):—

The Council shall not under the provisions of this Act otherwise than by agreement take use occupy or enter upon any lands forming any portion of the cricket ground belonging to the Lancashire County and Manchester Cricket Club or owned by or held in trust for them.

Power to re-
tain sell &c.
lands.

53. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and not required for the purpose for which they were acquired and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

PART IV.

STREETS AND BUILDINGS.

Intersecting
streets.

54. No new street shall be laid out more than one hundred and twenty yards in length without an intersecting street Provided that this section shall not apply to any portion of a street abutting on premises used solely for industrial purposes.

55. The Council may by order vary or alter the position direction or level of any existing or intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto.

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—
Power to vary position or direction of new streets.

The Council shall make compensation to the owners or other persons interested in any land or property for any loss or damage they may sustain in consequence of the alteration of the position direction or level of any existing street.

56. The Council may by order determine and declare the points or limits at or within which any street shall commence or terminate.

Council may define commencement &c. of streets.

57. Where any street or road repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street or road. The line which in any case the Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the surveyor and clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the said line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

Council may define future line of streets.

The Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the nearest side of the street or road and the same when purchased shall vest in the Council as part of the street or road.

Whenever in any of the before-mentioned cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by him or them by reason of

A.D. 1904. the Council requiring the said line to be observed and kept In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

No buildings allowed until line and level of street defined.

58. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street or such part thereof as may be required by the Council shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Crossings for horses or vehicles &c. over footways.

59. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street or road repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each offence be liable to a penalty not exceeding forty shillings Provided that nothing in this section shall be deemed to apply to the temporary crossing of footways during building operations if means satisfactory to the Council be taken to protect such footways from injury and for the convenience of foot passengers.

60. If any land other than land now forming part of any common adjoining any street is allowed to remain waste and unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days notice from the surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expense thereby incurred may be recoverable from such owner or occupier summarily.

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Land to be fenced.

61. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the clerk or surveyor be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Council and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Forecourts &c. to be fenced off from streets.

62.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes land abutting upon a street shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or erects any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

Elevation of buildings erected on front land to be subject to approval of Council.

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(2) The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement made by the Council upon approving any plan or drawing under this section.

(3) Any person who shall offend against subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Height of
buildings.

63. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. Provided that the approval of the Council shall not be unreasonably withheld and shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be. In the case of a gable facing the street the measurement shall be to a point halfway between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Height of
chimneys.

64. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably approve have regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the descrip-

tion of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height : A.D. 1904.

- (2) Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

65. The owner or owners of any existing or future court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Council) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalt concrete or paving and drain in good repair to the satisfaction of the Council and if any such owner or owners for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily. Courts &c. to be flagged.

66. The entrance to any court shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered. Entrances to courts not to be closed.

67.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended. As to temporary and movable buildings.

(2) The Council shall within one calendar month after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

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(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of the said month without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at the discretion of the Council.

(5) The following buildings and works shall be exempt from the operation of this section :—

- (A) Buildings expressly exempt from the operation of the Act or byelaws for the time being in force within the district with respect to new buildings and any tent not remaining for more than seven days;
- (B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be subject to the approval of the Council in regard to sanitary arrangements and shall be pulled down or removed immediately after the completion of such construction alteration or repair of any building and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or

from the person erecting or setting up the same at their discretion; and A.D. 1904.

- (c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of any right of light.

68.—(1) The approval by the Council of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):— Approval of plan to be void after certain intervals.

As to plans or sections approved after the passing of this Act within two years from the date of such approval;

As to plans or sections approved before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit and approval shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to lay out any street or to erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

69. The Council may retain all drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Council in pursuance of any enactment for the time being in force in the district or any byelaw thereunder respectively. Plans &c. deposited with Council may be retained.

70. From and after the passing of this Act—

The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

What to be deemed new buildings.

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The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;

The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of any open space between walls or buildings ;

shall for all the purposes of this Part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a " new building."

Certain provisions of Act not to apply to railway companies.

71. The provisions contained in this Act as to new buildings or in any byelaws to be made thereunder shall not apply to any buildings (not being a dwelling-house) belonging to any railway or canal company and used by such company as a part of or in connexion with their railway or canal.

Byelaws of Council not to prevent laying out of roads in two parts divided by a railway.

72. The byelaws of the Council prescribing the width of any new street shall not be deemed to prevent the laying out of any street or road in Trafford Park in two carriageways separated by a railway although any such proposed carriageway with the adjoining footway may be of less width than the width prescribed for a new street by any such byelaws. Provided that each of the two carriageways including the footways shall not except with the consent of the Council be of less width than twenty-seven feet and that the spaces between the rails and between the rails and the carriageways in any such street or road shall be paved and maintained by the owner of such railway wherever it shall appear to the Council to be necessary. Provided also that in this section the expression " railway " shall include any light railway tramroad and tramway.

PART V.

PRIVATE IMPROVEMENT EXPENSES.

As to urgent repairs to private streets.

73. In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs insanitary conditions or danger to passengers or vehicles in such street exists the Council may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified

in such notice such repairs in and upon such street as shall be specified in such notice and if such notice is not complied with the Council may if they think fit execute such repairs and the expenses thereof shall be recovered summarily by the Council from the owners in default.

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PART VI.

RECREATION GROUNDS.

74. The Council may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart and close pleasure grounds for games.

75. The Council may provide apparatus for games and recreation for the use of the public frequenting any park or recreation grounds and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and the payment for the use of such apparatus.

Apparatus for games.

76. The Council may place or authorise any person or persons to place seats shelters or chairs in any street public park garden or pleasure ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Chairs and seats for public use.

77. The Council may in any public park garden or recreation ground belonging to them or under their control and management erect maintain furnish and equip and may remove refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of such

Council may erect buildings &c.

A.D. 1904. park garden or recreation ground and the public resorting thereto and may charge for admission to such reading rooms pavilions and other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Council may let pavilions &c.

78. The Council may on such terms as they think fit from time to time let for any period not exceeding three years any pavilions or other buildings in recreation grounds belonging to them or under their control for meetings or entertainments or for the sale of refreshments.

Expenses and application of moneys under this Part of this Act.

79. All expenses incurred by the Council in the exercise of the powers of this Part of this Act shall be paid out of the district fund and any moneys received by the Council in connexion with the execution of the purposes of this Part of this Act shall subject to payment of the expenses incidental to the execution of the said purposes be carried to the credit of the district fund.

Bands of music.

80. The Council may pay or contribute towards the payment of bands of music provided that the amount of such payments or contributions do not in any year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the district for the purposes of the general district rate The Council may in any park garden or pleasure ground or other place inclose an area within which such bands shall play and make regulations as to the time and place for the playing of the bands the payments to be made for admission within the said inclosure and for securing good and orderly conduct during the playing of the bands :

Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the Council at a meeting of the Council after seven clear days notice of such meeting and of the intention to propose such resolution.

Extending definition of public place and street for certain purposes.

81. Any place of public resort or recreation ground belonging to or under the control of the Council and any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in

force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle:

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language:

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire:

Every person who throws or lays any dirt litter ashes or night soil or any carrion fish offal or rubbish on any street.

PART VII.

SANITARY PROVISIONS.

82.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available require that such new building shall be provided with proper and sufficient waterclosets.

Power to require water-closets for new buildings.

(2) The Council may on the erection of any new building when a sewer and water supply sufficient for a watercloset are not reasonably available require one or more proper and sufficient earthclosets to be provided at or in connexion with such building.

(3) Any person offending against any requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1904.

Conversion
of existing
closet accom-
modation
into water-
closet.

83.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may require any existing closet accommodation (other than a watercloset) provided at or in connexion with any building to be altered so as to be converted into a watercloset with sufficient flushing apparatus which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing :

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be injurious to health then the Council shall bear and pay such sum towards the expenses incurred by them (not being less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expenses.

(4) The notice under this section shall state the effect of the provisions of this section.

As to appeal
under two
last preced-
ing sections.

84.—(1) Where any person deems himself aggrieved by any requirements of the Council under either of the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand of a payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question. A.D. 1904.

(2) Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

85. The powers of the Council under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper. Public conveniences and lavatories.

86. Whenever the medical officer of health or the inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or other test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Council to that Owners &c. to permit application of smoke or other test to drains.

A.D. 1904. effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

Inspection
of drains.

87. — (1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water-supply sink rain water cistern trap syphon pipe or other work and apparatus the Council shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and

made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

A.D. 1904.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

88. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns wells and other receptacles used for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Cleaving
cisterns &c.

89. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners summarily as a civil debt Any combined drain constructed in pursuance of this section shall for the

Council may
order houses
to be drained
by a com-
bined opera-
tion.

A.D. 1904. purposes of the Public Health Acts be deemed to be a drain and not a sewer:

Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

Provisions
as to separate system
of sewerage.

90.—(1) From and after the passing of this Act the Council may by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for sewage (in this Act called a "sewage sewer") and they may also declare that any other sewer or sewers for the time being belonging to them shall be appropriated and used for surface water (in this Act called a "surface water sewer") and after such appropriation no sewage shall be permitted to flow into a surface water sewer of the Council or into any drain gutter or watercourse leading thereto and no surface water shall except with the consent in writing of the Council be permitted to flow or pass into any sewage sewer of the Council.

(2) Where at the time of any such appropriation sewage from any premises shall flow or pass through any drain communicating with any surface water sewer or any surface water from any premises shall flow or pass through any drain communicating with any sewage sewer the Council may execute and do such works and things as may be necessary to cause such drain to communicate with the appropriate sewer.

(3) If after any such appropriation and the completion of any necessary works by the Council under the provisions of the preceding subsection any person shall cause or knowingly permit any sewage to flow or pass into any surface water sewer or without the consent in writing of the Council shall cause or knowingly permit any surface water to flow or pass into any sewage sewer the person so offending shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings and the Council may close any drain communicating with any such inappropriate sewer and may recover in a summary manner from the person offending any expense thereby incurred. Provided that no penalty or expenses shall be incurred by any person in respect of communications with any sewer existing at the time of the passing of the resolution appropriating any such sewer.

91. If any person causes any drain watercloset earth-closet privy dustbin or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging or altering the course of the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or failing to cleanse or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds:

A.D. 1904.
Wilful
damage to
drains.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

PART VIII.

MILK SUPPLY.

92. In this Part of this Act—

“Dairy” means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy.

Interpreta-
tion in this
Part of Act.

93. Every person who knowingly sells or suffers to be sold or used for human consumption within the district the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty for
selling milk
of diseased
cows.

94. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Penalty on
failing to
isolate dis-
eased cows.

95. Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer of health of the district stating his name and address and the situation of the dairy or premises where the cow is.

Obligation to
notify cases
of tuber-
culosis.

A.D. 1904.

Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to
take samples
of milk.

96.—(1) It shall be lawful for the medical officer of health or any person provided with and if required exhibiting the authority in writing of such medical officer of health to take within the district for examination samples of milk produced or sold or intended for sale within the district.

(2) The like powers in all respects may be exercised outside the district by the medical officer of health or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to
inspect cows
and to take
samples of
milk.

97.—(1) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer of health or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(2) If the medical officer of health is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

(3) If the medical officer of health has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the

district is likely to cause tuberculosis in persons residing within the district the powers conferred by this section may in all respects be exercised in the case of such dairy. Provided that the medical officer of health or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

A.D. 1904.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer of health or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer of health person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer of health person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the district on the council of the borough or district in which it is situate.

(6) The said order shall be forthwith withdrawn on the Council or the medical officer of health being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(7) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(9) The dairyman may appeal against an order of the Council made under this section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture and Fisheries who shall

A.D. 1904. appoint an officer to hear such appeal Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk to the Council not less than forty-eight hours before the hearing Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

(10) The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

(11) The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

Compensation to dairyman.

98. If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Council to withdraw the order.

The court or the Board of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Notice of provisions of this Part of Act.

99. The Council shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement

in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Council may fix. A.D. 1904.

100. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. Procedure.

101. All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the fund and rate liable for the sanitary expenditure of the Council and the Council may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district. Provided that no such test shall be applied except with the previous consent of the owner of such cow. Expenses of this Part of Act.

102. This Part of this Act may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council. Execution of this Part of Act.

103. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the district for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets. Provisions as to retailers of milk.

PART IX.

ADVERTISEMENT HOARDINGS AND SKY-SIGNS.

104. — (1) Every boarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained. Restriction on hoardings.

A.D. 1904.

(2) It shall not be lawful to erect any such hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Council may determine.

(3) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(4) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal or after the giving of such consent (as the case may be) provided he give twenty-four hours written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

Sky-signs.

105.—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky-sign and it shall not be lawful to retain any existing sky-sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed :

Provided that in any of the following cases a licence of the Council under this subsection shall become void namely:—

- (i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor ;

- (ii) If any change be made in the sky-sign or any part thereof; A.D. 1904.
- (iii) If the sky-sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof;
- (v) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART X.

FINANCE.

106. The Council may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any Public General Act borrow at interest on the following securities and for the following purposes the following sums (that is to say):— Power to borrow.

On the security of the district fund and general district rate—

(A) For paying the costs charges and expenses of and in relation to this Act the sum requisite for the purpose:

A.D. 1904.

On security of the tramway revenue and district fund and general district rate—

(B) For the purposes of constructing the additional tramways and works in connexion therewith by this Act authorised a sum of twenty-eight thousand pounds ;

(c) For the purposes of road widenings and land in connexion with the tramways a sum of two thousand pounds.

In addition to the moneys which the Council are by this section authorised to borrow they may borrow such further sums of money for tramway purposes as the Board of Trade may sanction and such further sums of money for the electricity undertaking of the Council and for any of the other purposes mentioned in this section or for other the purposes of this Act as the Local Government Board may sanction and in calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Provision as
to mortgages.

107. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Section 236 Form of mortgage ;

Section 237 Register of mortgages ;

Section 238 Transfer of mortgages ; and

Section 239 Receiver may be appointed in certain cases.

Application
of tramway
revenue.

108. The tramway revenue shall be applied—

(1) In maintaining the tramways and so much of the street in which the same are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870 :

(2) In paying all working and other expenses including any rent payable under any lease granted to the Council of any tramway or tramways without the district properly chargeable to revenue :

(3) In providing the interest on any moneys raised or borrowed by the Council for tramway purposes

road widenings lands and street works connected therewith : A.D. 1904.

- (4) In providing the amount necessary to be paid into a sinking fund or redemption fund to provide for the repayment of the money borrowed and in providing the amounts necessary for any repayments by instalments :
- (5) The surplus after providing for such payments as aforesaid may be transferred by the Council if they think fit to a reserve fund or renewal fund for the purposes of the tramway undertaking or into a suspense account or may be employed in extending and developing the tramway undertaking or in increasing the amount required to be paid into any sinking fund or redemption fund in respect of money borrowed by the Council for tramway purposes Provided that if and whenever there shall be remaining in the hands of the Council any surplus on account of tramway revenue after payment of the charges and making the transfers and appropriations herein-before provided for such surplus shall be carried to the credit of the district fund.

109. In case the tramway revenue shall be insufficient to meet the charges upon it the deficiency shall be provided by the Council out of the district fund and if that fund be insufficient for the purpose then by an increase of the current year's district rate or by an increase of the next district rate after the deficit is ascertained. Deficiency of tramway revenue to be made good out of district fund.

110. All moneys borrowed under the provisions of this Act for the purposes respectively mentioned in the section of this Act the marginal note whereof is "Power to borrow" shall be repaid within the following respective periods (that is to say) :— Repayment of borrowed moneys.

For the purpose in subsection (A) five years from the passing of this Act ;

For the purposes in subsection (B) thirty years from the date or dates of borrowing such moneys ;

For the purposes of subsection (C) forty years from the date or dates of borrowing ;

A.D. 1904.

For the purposes sanctioned by the Board of Trade or by the Local Government Board such periods as those boards may respectively sanction :

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of a sinking fund ;

Or partly by such instalments and partly by a sinking fund ;

The sinking fund shall be formed by setting apart in every year out of the revenue fund or rate on the security of which the moneys to be repaid by the sinking fund were borrowed such equal annual sums as will with the accumulations thereof at compound interest at a rate not exceeding three per centum per annum be sufficient after payment of all expenses to pay off the moneys borrowed (so far as they are repayable by means of a sinking fund) within the periods by this Act prescribed in relation thereto respectively :

The first payment by instalments or to a sinking fund for repayment of borrowed moneys shall be made—

For repayment of moneys borrowed for the construction of the tramways or for tramway purposes within one year from the date of such borrowing ;
and

For repayment of moneys borrowed for any other purpose within one year from the date of such borrowing :

The Council may at any time apply the whole or any part of the sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which the sinking fund is set apart in such order and manner as they deem proper :

Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof

so applied at the rate per centum on which the payments to the sinking fund are based ;

A.D. 1904.

That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Council may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto ;

That if and so often as the interest in any year derived from investments of the sinking fund is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

111. All moneys borrowed or re-borrowed after the passing of this Act for tramway purposes under the powers of any previous Act or Provisional Order may be repaid in the manner prescribed for the repayment of moneys borrowed under the provisions of this Act for tramway purposes.

Repayment of moneys for tramway purposes under previous Acts.

112. All moneys paid into the sinking fund and the annual interest thereof shall unless applied as provided by the last preceding section of this Act be accumulated at compound interest and shall be as soon as may be invested in statutory securities.

Investment of sinking fund.

113. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so from time to time Provided that

Power to re-borrow.

A.D. 1904. all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Sinking fund may be adjusted in certain events.

114. If the Council out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Protection of lenders from inquiry.

115. A person lending money to the Council shall not be bound to inquire as to the observance by the Council of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Annual return to Local Government Board with respect to sinking fund

116.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and

the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1904.
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(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

117. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of them as are properly chargeable to capital and payable out of borrowed moneys and except expenses incurred for or in relation to tramways shall be paid out of the district fund and general district rate.

Expenses of execution of Act.

All expenses incurred for or in relation to tramways shall be paid out of the tramway revenue.

118. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Audit of accounts.

119. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of such lands in or towards paying off moneys borrowed and for the time being owing under this Act

Application of moneys arising from sale of lands.

A.D. 1904. or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

PART XI.

MISCELLANEOUS.

Supply of
electrical
energy out-
side district.

120. If the local authority for any district adjacent to the district which the Council are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament or otherwise to supply energy the Council and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Council to such authority and the Council may enter into and carry into effect agreements with any local authority company or person for the supply of electricity for such purposes as the Council may be authorised to supply but every such agreement shall be subject to the approval of the Board of Trade.

The Council or any such local authority company or person as aforesaid shall not without the consent of the mayor aldermen and burgesses of the county borough of Salford in writing under their corporate seal supply electrical energy in the borough of Salford.

Supply of
electrical
energy for
traction pur-
poses.

121. Subject to the provisions of this Act the Council on the one hand and any local authority company or person owning or working light railways tramways or tramroads within or without the district on the other hand may enter into and carry into effect agreements for the supply by the Council to such authority company or person of electrical energy for the purposes of such light railways tramways or tramroads Provided that no energy shall be supplied or shall continue to be supplied by the Council under the provisions of this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person.

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

A.D. 1904.
Power to supply electric fittings.

(2) Any expenses incurred by the Council in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any money received by the Council under this section shall be applied in manner provided by the Stretford Electric Lighting Order 1897.

123. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electrical energy from every person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar circumstances.

Discount on electrical energy accounts.

124. The Council may convert any clinkers or other refuse or surplus material or product arising in connexion with their dust destructor or sewage works into slabs of artificial stone bricks concrete mortar and other materials and for that purpose may purchase take on lease or otherwise acquire lands and construct such buildings and works and may in connexion therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or

Power to manufacture slabs from destructor refuse.

A.D. 1904. other materials so produced may be utilised by the Council for repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

Purchase of ambulance for removal of sick and accident cases.

125. The Council may purchase and maintain and work ambulances for the removal of sick and accident cases within the district to any hospital other than for the treatment of infectious disease as they may think proper.

Power to Council to subscribe to hospitals &c.

126. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Council to subscribe yearly to any hospital infirmary dispensary or other institution of a similar character any sum not exceeding in the whole one hundred pounds per annum.

For protection of Manchester Ship Canal Company.

127. The following provisions shall apply and have effect for the protection of the Manchester Ship Canal Company (hereinafter called "the canal company") (that is to say):—

- (1) The wharves quays docks harbours and basins belonging to the canal company are hereby exempted from the operation of Parts IV. and V. of this Act :
- (2) As between the Council and the canal company Trafford Wharf Road and any extension or diversion thereof shall so far as such road extension or diversion is contiguous to or abuts upon land belonging to the canal company at the date of the passing of this Act be deemed to be and shall form part of the wharves quays docks harbours or basins belonging to the canal company and shall be exempted from the operation of this Act.

General provisions as to byelaws.

128. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws (other than byelaws made by the Council under the provisions of the Tramways Act 1870) from time to time made by the Council under the powers of this Act.

Compensation how to be determined.

129. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for

such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts. A.D. 1904

130. The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent. Compensation may be in land &c.

131. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties.

132. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal. As to appeal.

133.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any of the duties imposed on that Board under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by and expenses of Local Government Board.

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

A.D. 1904.

Crown
rights.

Costs of Act.

134. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

135. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund or general district rate or out of moneys to be borrowed under the provisions of this Act as herein-before provided.

Printed by EYRE and SPOTTISWOODE,

FOR

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

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