

[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. ccx.]  
Act, 1898.



## CHAPTER ccx.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Carlisle Tramways Hartlepool Tramways and City of Oxford and District Tramways. [2nd August 1898.] A.D. 1898.

**W**HEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed : 33 & 34 Vict.  
c. 78.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act 1898. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirmation  
of Orders in  
schedule.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any Protection  
of houses of  
labouring  
class.

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A.D. 1898. — parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

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SCHEDULE.

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LIST OF ORDERS.

CARLISLE TRAMWAYS.—Order authorising the construction of Street Tramways in and near the city of Carlisle.

HARTLEPOOL TRAMWAYS.—Order authorising the General Electric Tramways Company Limited to construct additional Tramways in the borough of West Hartlepool in the county of Durham and for other purposes.

CITY OF OXFORD AND DISTRICT TRAMWAYS.—Order authorising the City of Oxford and District Tramways Company Limited to construct a new Tramway.

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*Order authorising the construction of Street Tramways in and  
near the City of Carlisle.*

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1. This Order may be cited as the Carlisle Tramways Order 1898.

Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are expressly varied by this Order. The provisions of section 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General subject to the following condition (that is to say) that all works executed in relation to any lowering or alteration of the Postmaster-General's telegraphic lines or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Promoters. The expression "telegraphic line" herein has the same meaning as in the Telegraph Act 1878.

Incorporation  
of Acts.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings. Provided that in this Order:—

Interpretation.

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "mechanical power" includes steam electric and every other motive power not being animal power:

The expression "engine" includes motor.

*Promoters.*

4. William Bass Needham Enoch Horton Joseph James Gittings and Walter James Kershaw all of the city of Birmingham and the survivors and survivor of them and the executors or administrators of such survivors their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

The Promoters.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes. Provided that they shall not at any time hold for such purposes more than five acres of land. Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

Lands by  
agreement.



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*Construction of Tramways.*

*Carlisle.*  
Construction  
of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables engine-houses carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order are—

Tramway No. 1 commencing in Botchergate at a point distant 0·60 chain east of the intersection of the centre lines of the Crescent and Botchergate passing thence in an easterly direction along Botchergate and London Road and terminating therein at a point 1·20 chains west of the intersection of the centre lines of the River Petteril under the Petteril Bridge and London Road.

Tramway No. 1 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

- (A) In Botchergate from its point of commencement for a distance of one chain.
- (B) In Botchergate and London Road between points respectively 1·90 chains and 4·90 chains east of the intersection of the centre lines of South Henry Street and Botchergate.
- (C) In London Road between points respectively 0·30 chain and 3·30 chains east of the intersections of the centre lines of London Road and Alexander Street.
- (D) In London Road for a distance of 17·30 chains and 6·30 chains respectively from its point of termination.

The total length of Tramway No. 1 is 6 furlongs and 8·30 chains of which 5 furlongs 0·30 chains is single line and 1 furlong 8·00 chains is double line.

Tramway No. 2 commencing in Botchergate by a junction with Tramway No. 1 at a point distant 1·00 chain east of the intersection of the centre lines of Union Street and Botchergate passing thence in a southerly direction into and along Saint Nicholas Street Saint Nicholas Bridge and Blackhall Street terminating in the last-mentioned street at a point corresponding with the intersection of the centre lines of Beaconsfield Street and Blackhall Street.

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Tramway No. 2 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

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- (A) In Botchergate and Saint Nicholas Street for a distance of 1·70 chains from its point of commencement.
- (B) In Saint Nicholas Street and Saint Nicholas Bridge between points respectively 4·40 chains and 7·40 chains south of the intersection of the centre lines of Court Street and Saint Nicholas Street.
- (C) In Saint Nicholas Bridge between points respectively 5·80 chains and 2·80 chains north of the intersection of the centre lines of Nicholas Street and Blackhall Street.
- (D) In Blackhall Street between points respectively 4·00 chains and 1·00 chain north of the intersection of the centre lines of Beaconsfield Street and Blackhall Street.

The total length of Tramway No. 2 is 4 furlongs 1·40 chains of which 3 furlongs 0·70 chains is single line and 1 furlong 0·70 chains is double line.

Tramway No. 3 commencing in Botchergate by a junction with Tramways Nos. 1 and 8 at the point of their commencement passing thence in a north-westerly direction into and along English Street and terminating therein at a point 0·20 chain north-west of intersection of the centre lines of Devonshire Street and English Street.

Tramway No. 3 is intended to be laid as a double line except at the following place where it is intended to be laid single (that is to say):—

- (A) In English Street for a distance of 1·80 chains east of the intersection of the centre lines of Devonshire Street and English Street.

The total length of Tramway No. 3 is 8·90 chains of which 1·80 chains is single line and 7·10 chains is double line.

Tramway No. 4 commencing in English Street by a junction with Tramways Nos. 3 and 11 at the point of termination of Tramway No. 3 passing thence in a northerly direction along English Street and terminating therein at a point 0·60 chain north of the intersection of the centre lines of Bank Street and English Street.

Tramway No. 4 is intended to be laid as a double line except at the following places where it is intended to be laid single (that is to say):—

- (A) In English Street from the commencement of the tramway for a distance of 2·10 chains.

The total length of Tramway No. 4 is 6·00 chains of which 2·10 chains is single line and 3·90 chains is double line.

Tramway No. 5 commencing in English Street by a junction with Tramways Nos. 4 and 19 at the termination of Tramway No. 4 passing thence in a north-westerly direction along English Street westerly into and along Castle Street Annetwell Street and Caldew Bridge and terminating therein at a point 0·40 chain east of the intersection of the centre lines of Devonshire Walk and Caldew Bridge.

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Tramway No. 5 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

- (A) In English Street from the commencement of the tramway for a distance of 5·40 chains.
- (B) In Castle Street between points respectively 0·10 chain east and 3·90 chains west of the intersection of the centre lines of Paternoster Row and Castle Street.

The total length of Tramway No. 5 is 2 furlongs 8·40 chains of which 1 furlong 9·00 chains is single line and 9·40 chains is double line.

Tramway No. 6 commencing in Caldew Bridge by a junction with Tramway No. 5 at its point of termination passing thence in a westerly direction along Caldew Bridge Bridge Street Church Street Caldcoats and terminating in Caldcoats at a point 6·80 chains east of the centre line of the bridge carrying the North British Railway over Caldcoats.

Tramway No. 6 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

- (A) In Caldew Bridge and Bridge Street between points respectively 3·10 chains and 0·10 chain east of the intersection of the centre lines of Bridge Lane and Bridge Street.
- (B) In Church Street between points respectively 4·50 chains and 13·00 chains west of the intersection of the centre lines of Bridge Lane and Bridge Street.

The total length of Tramway No. 6 is 2 furlongs 2·60 chains of which 1 furlong 1·10 chains is single line and 1 furlong 1·50 chains is double line.

Tramway No. 7 commencing in Caldcoats by a junction with Tramway No. 6 at its point of termination passing thence in a westerly direction along Caldcoats Port Road Newtown Place Colin Place and Newtown and terminating therein at a point 2·00 chains east of the intersection of the centre lines of Shady Grove Lane and Newtown.

Tramway No. 7 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

- (A) In Port Road between points respectively 5·40 chains and 2·40 chains east of the intersection of the centre lines of Granville Road and Port Road.
- (B) In Newtown Place between points respectively 0·80 chain and 3·80 chains west of the intersection of the centre lines of Wood Street and Newtown Place.
- (C) In Colin Place between points respectively 7·30 chains and 10·30 chains west of the intersection of the centre lines of Lawson Street and Colin Place.
- (D) In Newtown between points respectively 12·00 chains and 9·00 chains east of the intersection of the centre lines of Shady Grove Lane and Newtown.
- (E) In Newtown between points respectively 2·00 chains east and 1·00 chain west of the intersection of the centre lines of Shady Grove Lane and Newtown.



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The total length of Tramway No. 7 is 6 furlongs 1·00 chains of which 4 furlongs 6·00 chains is single line and 1 furlong 5·00 chains is double line.

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Tramway No. 8 commencing in Botchergate by a junction with Tramways Nos. 1 and 3 at the point of their commencement passing thence in a northerly direction into and along the Crescent easterly along Henry Street and Warwick Road and terminating in Warwick Road at a point 0·60 chain east of the intersection of the centre lines of Hartington Place and Warwick Road.

Tramway No. 8 is intended to be laid as a double line throughout.

The total length of Tramway No. 8 is 2 furlongs 7·70 chains.

Tramway No. 9 commencing in Warwick Road by a junction with Tramways Nos. 8 and 19 at their point of termination passing thence in an easterly direction along Warwick Road and terminating therein at a point 10·00 chains east of the intersection of the centre lines of Botcherby Old Road and Warwick Road.

Tramway No. 9 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Warwick Road from the commencement of the tramway for a distance of 17·30 chains.

(B) In Warwick Road between points respectively 2·70 chains and 5·70 chains east of the intersection of the centre lines of Botcherby Old Road and Warwick Road.

The total length of Tramway No. 9 is 5 furlongs 2·40 chains of which 3 furlongs 2·10 chains is single line and 2 furlongs 0·30 chain is double line.

Tramway No. 10 commencing in Warwick Road by a junction with Tramway No. 9 at its point of termination passing thence in an easterly direction along Warwick Road and terminating therein at a point 1·40 chains east of the intersection of the centre lines of Carlton Terrace and Warwick Road.

Tramway No. 10 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Warwick Road between points respectively 3·60 chains and 0·60 chain west of the intersection of the centre lines of Carlton Terrace and Warwick Road.

The total length of Tramway No. 10 is 1 furlong 5·40 chains of which 1 furlong 2·40 chains is single line and 3·00 chains is double line.

Tramway No. 11 commencing in Lowther Street by a junction with Tramway No. 15 at a point distant 0·70 chain south of the intersection of the centre lines of Devonshire Street and Lowther Street passing thence in a westerly direction into and along Devonshire Street terminating in English Street by a junction with Tramway No. 3 at its point of termination.

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Tramway No. 11 is intended to be laid as a single line throughout.  
The total length of Tramway No. 11 is 5 chains.

Tramway No. 12 commencing in English Street by a junction with Tramway No. 11 at its point of termination passing thence in a south-westerly direction into and along Victoria Viaduct and Denton Street and terminating in Denton Street at a point 0·30 chain north of the intersection of the centre lines of Norfolk Street and Denton Street.

Tramway No. 12 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Victoria Viaduct between points respectively 2·40 chains east and 0·60 chain west of the intersection of the centre lines of Charlotte Street and Victoria Viaduct:

(B) In Denton Street between points respectively 3·70 chains and 6·70 chains south of the intersection of the centre lines of Thomas Street and Denton Street:

(C) In Denton Street for a distance of 1·60 chains from its point of commencement.

The total length of Tramway No. 12 is 4 furlongs 6·00 chains of which 3 furlongs 8·40 chains is single line and 7·60 chains is double line.

Tramway No. 13 commencing in Denton Street by a junction with Tramway No. 12 at its point of termination passing thence in a southerly direction along Denton Street and terminating therein at a point 0·20 chain north of the intersection of the centre lines of North Street and Denton Street.

Tramway No. 13 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Denton Street from the commencement of the tramway for a distance of 1·40 chains.

(B) In Denton Street between points respectively 10·00 chains and 13·00 chains south of the intersection of the centre lines of Dale Street and Denton Street.

The total length of Tramway No. 13 is 1 furlong 8·60 chains of which 1 furlong 4·20 chains is single line and 4·40 chains is double line.

Tramway No. 14 commencing in Scotch Street at a point 1·10 chains south of the intersection of the centre lines of West Tower Street and Scotch Street passing thence in a southerly direction along Scotch Street and English Street and terminating in the last-mentioned street by a junction with Tramway No. 5 at a point 1·80 chains north of the intersection of the centre lines of Bank Street and English Street.

Tramway No. 14 is intended to be laid as a single line except at the following place where it is intended to be laid double (that is to say):—

(A) In Scotch Street for a distance of 3·70 chains from its point of termination.

The total length of Tramway No. 14 is 1 furlong 1·70 chains of which 8·00 chains is single line and 3·70 chains is double line.



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Tramway No. 15 commencing in Eden Bridge by a junction with Tramway No. 16 at a point distant 0·60 chain north of the intersection of the centre lines of Eden Bridge and Lowther Street passing thence in a southeasterly direction into and along Lowther Street and continuing therein in a southerly direction and terminating in the Crescent by a junction with Tramway No. 8 at a point 0·70 chain south of the intersection of the centre lines of Henry Street and Lowther Street. A.D. 1898.  
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Tramway No. 15 is intended to be laid as a double line except at the following place where it is intended to be laid single (that is to say):—

(A) In Eden Bridge and Lowther Street for a distance of 1·00 chain from its point of commencement.

The total length of Tramway No. 15 is 4 furlongs 0·10 chain of which 1·00 chain is single line and 3 furlongs 9·10 chains is double line.

Tramway No. 16 commencing in Eden Bridge by a junction with Tramway No. 15 at its point of commencement passing thence in a northwesterly direction along Eden Bridge and northerly along Scotland Road terminating in the last-mentioned road at a point 0·20 chain north of the intersection of the centre lines of Church Terrace and Scotland Road.

Tramway No. 16 is intended to be laid as a single line except at the following place where it is intended to be laid double (that is to say):—

(A) In Scotland Road between points respectively 2·00 chains and 7·00 chains north of the intersection of the centre lines of Saint George's Crescent and Scotland Road.

The total length of Tramway No. 16 is 3 furlongs 0·90 chain of which 2 furlongs 5·90 chains is single line and 5·00 chains is double line.

Tramway No. 17 commencing in Scotland Road by a junction with Tramway No. 16 at its point of termination passing thence in a northerly direction along Scotland Road and terminating therein at a point 7·70 chains north of the intersection of the centre lines of Rosebery Road and Scotland Road.

Tramway No. 17 is intended to be laid as a single line except at the following place where it is intended to be laid double (that is to say):—

(A) In Scotland Road between points respectively 3·20 chains and 6·20 chains north of the intersection of the centre lines of Rosebery Road and Scotland Road.

The total length of Tramway No. 17 is 2 furlongs 0·00 chains of which 1 furlong 7·00 chains is single line and 3·00 chains is double.

Tramway No. 18 commencing in Etterby Scaur at a point distant 3·40 chains west of the intersection of the centre lines of Eden Road and Etterby Scaur passing thence in an easterly direction along Etterby Scaur Eden Place Etterby Street and terminating in Scotland Road by a junction with Tramways Nos. 16 and 17 at the point of termination of Tramway No. 16.

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*Carlisle.*

Tramway No. 18 is intended to be laid as a single line except at the following places where it is intended to be laid double (that is to say):—

(A) In Etterby Scour and Eden Place between points respectively 2·40 chains west and 0·60 chain east of the intersection of the centre lines of Eden Road and Etterby Scour.

(B) In Etterby Street between points respectively 11·40 chains and 14·40 chains east of the intersection of the centre lines of Eden Road and Etterby Scour.

The total length of Tramway No. 18 is 3 furlongs 0·60 chains of which 2 furlongs 4·60 chains is single line and 6·00 chains is double line.

Tramway No. 19 commencing in English Street by a junction with Tramway No. 4 at its point of termination passing thence in an easterly direction into and along Bank Street Lonsdale Street Chiswick Street southerly along Hartington Place and easterly into and terminating in Warwick Road by a junction with Tramway No. 8 at its point of termination.

Tramway No. 19 is intended to be laid as a single line except at the following place where it is intended to be laid double (that is to say):—

In Chiswick Street between points respectively 0·40 chain and 3·40 chains east of the intersection of the centre lines of Spencer Street and Chiswick Street.

The total length of Tramway No. 19 is 2 furlongs 9·90 chains of which 2 furlongs 6·90 chains is single line and 3·00 chains is double line.

Tramway No. 20 (a loop line) commencing in Scotland Road by a junction with Tramway No. 17 at a point 1·30 chains north of the intersection of the centre lines of Etterby Street and Scotland Road passing thence in a southerly direction into Etterby Street and terminating therein at a point 0·50 chain west of the intersection of the centre lines of Marlborough Gardens and Etterby Street.

Tramway No. 20 is intended to be laid as a single line throughout.

The total length of Tramway No. 20 is 1·50 chains.

Tramway No. 22 (a loop line) commencing in Bank Street by a junction with Tramway No. 19 at a point 0·50 chain east of the intersection of the centre lines of Bank Street and English Street passing thence in a south-westerly direction into English Street and terminating therein at a point 0·70 chain south of the intersection of the centre lines of Bank Street and English Street.

Tramway No. 22 is intended to be laid as a single line throughout.

The total length of Tramway No. 22 is 1·00 chain.

Tramway No. 23 (a loop line) commencing in Lowther Street by a junction with Tramway No. 15 at a point 0·50 chain north of the intersection of the centre lines of Bank Street and Lowther Street passing thence in a southerly direction into Bank Street and terminating therein at a point 0·50 chain west of the intersection of the centre lines of Bank Street and Lowther Street.

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Tramway No. 23 is intended to be laid as a single line throughout.

The total length of Tramway No. 23 is 0·90 chain.

Tramway No. 24 (a loop line) commencing in English Street by a junction with Tramway No. 4 at a point 1·00 chain north of the intersection of the centre lines of Devonshire Street and English Street passing thence in a southerly direction into Victoria Viaduct and terminating therein at a point 0·40 chain west of the intersection of the centre lines of English Street and Victoria Viaduct.

Tramway No. 24 is intended to be laid as a single line throughout.

The total length of Tramway No. 24 is 0·70 chain.

Tramway No. 25 (a loop line) commencing in Lowther Street by a junction with Tramway No. 15 at a point 0·50 chain north of the intersection of the centre lines of Devonshire Street and Lowther Street passing thence in a south-westerly direction into Devonshire Street and terminating therein at a point 0·50 chain west of the intersection of the centre lines of Lowther Street and Devonshire Street.

Tramway No. 25 is intended to be laid as a single line throughout.

The total length of Tramway No. 25 is 1·00 chain.

Tramway No. 26 (a loop line) commencing in Hartington Place by a junction with Tramway No. 19 at a point 0·50 chain north of the intersection of the centre lines of Hartington Place and Henry Street passing thence in a southerly direction into Henry Street and terminating therein at a point 0·60 chain west of the intersection of the centre lines of Hartington Place and Henry Street.

Tramway No. 26 is intended to be laid as a single line throughout.

The total length of Tramway No. 26 is 0·90 chain.

Tramway No. 27 (a loop line) commencing in Lowther Street by a junction with Tramway No. 15 at a point 0·90 chain north of the intersection of the centre lines of Lowther Street and Henry Street passing thence in a south-easterly direction into Henry Street and terminating therein at a point 1·00 chain east of the intersection of the centre lines of Lowther Street and Henry Street.

Tramway No. 27 is intended to be laid as a double line throughout.

The total length of Tramway No. 27 is 1·20 chains.

Tramway No. 28 (a loop line) commencing in English Street by a junction with Tramway No. 3 at a point 0·80 chain west of the intersection of the centre lines of the Crescent and English Street passing thence in an easterly direction into the Crescent and terminating therein at a point 0·80 chain north-east of the intersection of the centre lines of the Crescent and English Street.

Tramway No. 28 is intended to be laid as a double line throughout.

The total length of Tramway No. 28 is 1·20 chains.

In the foregoing descriptions the distances and lengths given for the purposes of describing any tramway or portion of tramway shall be read as if the words "or thereabouts" had been inserted after each such distance or length.



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Where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway the Promoters shall unless otherwise authorised by the Board of Trade and the local and road authorities respectively lay down in lieu of such single line a double line of tramway with proper cross-overs and every such double line shall be so laid that only one of such lines can be used at one and the same time.

All the before-mentioned tramways will be made and pass from in through or into the following parishes townships or extra-parochial or other places or some or one of them that is to say Saint Mary Within Saint Cuthberts Within Saint Cuthberts Without Stanwix Etterby Botchergate Caldewgate Rickergate Botcherby and Cummersdale and the city of Carlisle all in the county of Cumberland.

Gauge of  
tramways.

7. The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be determined by the Board of Trade with the consent of the local authorities of the districts in which the tramways shall be constructed. Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of the carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed five feet nine inches in width or such greater width as may be prescribed by the Board of Trade.

For the pro-  
tection of the  
corporation of  
Carlisle.

8. For the protection of the mayor aldermen and citizens of the city of Carlisle (in this section referred to as "the corporation") the following provisions unless otherwise agreed between the Promoters and the corporation shall apply and have effect:—

(As to laying  
double lines.)

(1) In this section the expression "the city" means the municipal city of Carlisle for the time being the expression "the city tramways" means such of the tramways as are authorised to be constructed within the city:

(2) All double lines of the city tramways shall be so laid as to have a space of not less than six feet six inches between the centre lines of such tramways except where such lines are so laid that only one of such lines can be used at one and the same time:

(Design of  
carriages &c.  
to be approved  
by the cor-  
poration.)

(3) Subject to the provisions of this Order the size and construction of all carriages to be used on the city tramways and the wheels and brakes attached thereto and things appertaining to the carriages and the form of the rails sleepers fastenings and grooves of the city tramways shall be such as the Corporation shall reasonably require and the Board of Trade may approve and shall be in accordance with designs to be previously submitted to and approved by the corporation but so that the form of the rails sleepers fastenings and grooves shall be the same throughout the whole length of the tramways by this Order authorised:

(Portions of  
roads to be  
paved by  
Promoters.)

(4) Section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadway of any road whereon any of the tramways are laid shall extend and apply

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to so much of any road in the city as extends two feet beyond the rails of and on each side of any such tramway and shall also extend and apply to the whole width of any road where it is proposed that a less space than six feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest line of the tramway :

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(5) So much of any road within the city upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 or this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the corporation shall require and the corporation may prescribe a particular material for paving any specified road or part of a road and a different material for paving any other road or part of a road Provided that the corporation shall specify what material they require to be used and on what roads or parts of roads previously to the commencement of any works by the Promoters :

(Paving and materials of roads.)

(6) The Promoters shall forthwith pay to the corporation the cost of the repair and reinstatement of any such parts of any road within the city as may be injured or damaged by reason of the traffic being diverted to or concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof or the same shall be a charge on the money which the Promoters are required to deposit before opening any road in such district or may be deducted from any money which may have been deposited by the Promoters with the corporation :

(Cost of reinstating roads.)

(7) If by reason of the construction of any of the city tramways any alteration is rendered necessary in the level of any road the reasonable expense of making such alteration shall be borne and paid by the Promoters :

(Costs of alterations in level of roads owing to construction of tramways.)

(8) In the event of the Promoters failing to commence the repair or maintenance in accordance with the provisions of the Tramways Act 1870 or this Order of any portion of road whereon any of the city tramways are laid for fourteen days after notice from the corporation requiring them so to do and thereafter failing to proceed diligently with the same the corporation may take upon themselves the repairing or maintaining of such portion provided that they shall by notice to the Promoters state when they intend to take upon themselves such repairing or maintaining If the corporation give such notice—

(Corporation may maintain and repair roads at cost of the Promoters.)

(A) The corporation shall execute such repairs or maintenance from and after the time and for the period mentioned in that behalf in such notice ;

(B) The materials and means to be used in such repairs or maintenance shall (subject to the provisions of this Order) be in the discretion of the corporation ;

(C) The Promoters shall not interfere in any way with or be liable in any way for any neglect or default in or about such repairs or maintaining ;



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(D) The Promoters shall pay to the corporation all expenses of and incidental to such repairs or maintenance including expenses of supervision ;

(E) Where in any road a double line of rails is laid all such expenses of and incidental to the repairing or maintaining of the whole space between such double lines and the amount of such expenses to be paid from time to time by the Promoters under this sub-section shall be ascertained and certified from time to time by the surveyor of the corporation and the certificates and payments shall be so made in advance that the corporation shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for :

Provided always that in all cases in which a deposit is not made to cover the estimated cost of repairs in pursuance of the next succeeding sub-section the Promoters shall pay to the corporation interest at the rate of five pounds per centum per annum on all sums which may be expended by the corporation under this sub-section from the date or dates upon which such sums shall have been demanded until the same shall be repaid by the Promoters :

(Deposit with  
corporation of  
estimated cost  
of repairs &c.)

(9) In order to secure the payments by the Promoters of the amounts to be paid by them to the corporation under the last preceding sub-section the Promoters shall on or forthwith after the twenty-fifth day of March and the twenty-fifth day of September in each year deposit with the corporation the amount which the surveyor for the time being of the corporation may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the next ensuing half-year and the corporation shall be at liberty to apply the money so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such half-year and at the end of each half-year the amount (if any) not so applied or so much thereof as may not be required shall be carried forward as or towards the deposit for the next half-year and any excess shall be paid to the Promoters and if any sum be so carried forward as aforesaid the Promoters shall for such half-year only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid Provided always that the amount in the hands of the corporation for this purpose shall not at any time exceed the sum of two hundred pounds :

(Deposit before  
breaking up  
roads.)

(10) As security to the corporation for the due completion to their reasonable satisfaction of the tramways authorised by this Order and for the due fulfilment by the Promoters of the obligations to which under the provisions of this Order they are liable, the Promoters shall in addition to complying with the provisions of section 12 of the Tramways Act 1870 before proceeding to open or break up any road within the city of Carlisle deposit with the corporation the sum of five hundred pounds (to be released on the opening of the tramways) and the said sum shall be



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held by the corporation as and for a guarantee for the due completion of the tramways within the city to the reasonable satisfaction of the corporation as aforesaid. Provided that such deposit shall at the request of the Promoters be invested in such securities as the corporation may approve and the interest thereon shall from time to time be paid to the Promoters. If the tramways having been commenced are not completed within the time limited by this Order or within such extended time as may be duly sanctioned in accordance with the provisions of this Order the deposit shall be applied by the corporation in payment of the expenses incurred by them in the removal of so much of the tramways as shall have been laid down by the Promoters and in restoring the road to the satisfaction of the surveyor of the corporation (the balance of the deposit being paid to the Promoters) and for the purpose of such restoration the corporation shall be at liberty to break up or use any part of the material of such tramways. If the deposit is insufficient to reimburse the corporation the expense so incurred the corporation shall be at liberty to sell the materials of such tramways or the remaining portion thereof as the case may be and apply the proceeds in or towards the satisfaction of such expenses and the balance (if any) shall be paid to the Promoters or if such proceeds of sale are insufficient the Promoters shall on demand pay to the corporation the amount of such insufficiency and in case of non-payment the same may be recovered with interest thereon at the rate of five pounds per centum per annum from the date of such demand by the corporation in manner provided by this Order :

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- (11) If any road in which any of the city tramways may have been laid be at any time hereafter widened or improved the corporation may from time to time take up and remove such tramway or any part thereof and may relay the same in the widened or improved road as nearly as may be along the centre of the said road and the Promoters shall not be entitled to any damages or compensation in respect of such taking up removal or relaying provided that the corporation shall provide proper temporary accommodation for working tramways and shall use all due diligence in taking up removing and relaying the permanent tramway : (As to widening of roads.)
- (12) The corporation and their officers and servants shall at all times have free access to and communication with all existing and future sewers and drains (whether public or private) in the city of Carlisle and the man-holes ventilating shafts and other works connected therewith and the consent and concurrence of the Promoters shall not be necessary to empower them to construct any new or additional public or private sewers or drains and any manholes ventilating shafts or other works connected therewith or any lateral or private drains to communicate therewith and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable to the case of any such works as aforesaid as though the same were a pipe for the supply of gas or water laid before the construction of the tramways. Provided always that if at any time after the passing of the Act confirming this Order any of such

(Corporation to have access to sewers and to repair.)

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sewers or drains whether public or private or any other works of or belonging to or under the control of the corporation shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Promoters or their servants it shall be lawful for the corporation immediately thereupon or at any time thereafter at the cost expense and risk of the Promoters to do what the corporation may deem necessary for the thorough and efficient repair and the reinstatement of such sewer drain or other work as aforesaid and if the Promoters shall not on demand pay the corporation the costs and expenses so incurred by the corporation the corporation may recover from the Promoters the amount of such costs and expenses with interest thereon at the rate of five pounds per centum per annum in manner provided by this Order :

(Side entrance  
to sewers.)

(13) When any of the tramways are constructed or intended to be constructed over any manhole or entrance into any sewer of the corporation or so close to such manhole or entrance as to make the use thereof dangerous in the opinion of the corporation the corporation may on giving notice to the Promoters of their intention so to do construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as the corporation may determine and the Promoters shall within one month after the price of the work is agreed pay to the corporation all reasonable costs incurred by the corporation in executing such works and incident thereto and if the amount thereof shall not be paid on demand the same may be recovered by the corporation from the Promoters with interest thereon at the rate of five pounds per centum per annum in manner provided by this Order :

(Breaking up  
roads by  
corporation.)

(14) Nothing in this Order contained shall obstruct hinder prejudice or prevent the corporation from breaking up any road within the city for any purpose for which they are authorised to break up any road therein and for such purpose they may stop the traffic along the tramways and any extra cost occasioned by reason of such tramways being there and incurred by the corporation in the exercise of their powers and in restoring the surface of any such road and any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to the corporation and may be recovered by the corporation from the Promoters in manner provided by this Order :

(Lights on  
carriages after  
sunset.)

(15) In case the Promoters between sunset and sunrise use any carriage on the city tramways or any portion thereof they shall be bound to fix and maintain one light at least in front and one light at least at the rear of such carriage of such distinctive colours and of such illuminating power as may be prescribed by the corporation and shall light up the inside of such carriage in such manner as may be reasonably required by the corporation :

(Cleansing of  
tramways.)

(16) The corporation may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the city tramways shall be executed by the Promoters at their own risk and cost :



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The Promoters shall not deposit any snow or other matter (which they may remove in such cleansing as aforesaid) upon any road in the city and shall not use salt or other unsuitable material for the thawing of the snow on any such road :

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- (17) No application shall be made by the Promoters for any extension of time for the commencement or completion of the tramways without the consent of the corporation : (As to extension of times for commencement and completion of works.)
- (18) Except as by this Order or by the Tramways Act 1870 expressly provided after the opening of any of the city tramways for public traffic such tramways shall not nor shall any of the materials of which the same are constructed be removed except for the ordinary repairs of such tramways without the consent in writing of the corporation : (Tramways not to be removed without the consent of the corporation.)
- (19) Notwithstanding anything in this Order the Promoters shall not without the sanction of the corporation in writing for that purpose first had and obtained work the city tramways by mechanical power nor within the city erect place and maintain works engines machinery dynamos and apparatus for the production storage and supply of mechanical power nor lay down nor construct mains wires apparatus or things necessary or proper for the transmission of mechanical power and the working of the city tramways or any of them by any mechanical power and such consent may be given subject to such terms and conditions as the corporation think fit and the Board of Trade may approve Provided nevertheless that if the corporation consent to the use of mechanical power (other than steam) such consent shall operate for a period of seven years : (Consent of corporation to use of mechanical power.)
- (20) No carriage or other tramway vehicle shall stand within the city on any tramway or siding opposite any church chapel or other place of worship during the hours of divine service and no siding turnout refuge or erection of any kind shall be placed or constructed within the city opposite to or adjoining any church chapel or other place of worship without the consent in writing of the corporation : (Traffic near churches &c.)
- (21) The sanitary inspectors and such other officers of the corporation not exceeding ten in number as may be duly authorised by the corporation in this behalf and members of the city police shall at all times when on duty be permitted by the Promoters to ride free of charge for the whole or any part of the journey in or upon any carriage or vehicle in or upon which passengers or goods are conveyed by the Promoters upon the city tramways or any part thereof : (Officers of corporation to ride in carriages free of charge.)
- (22) The corporation shall have power at any time and from time to time by giving twenty-four hours' previous notice in writing to the Promoters to absolutely stop delay or suspend the working of the tramways in any of the roads within the city for police purposes regulating and facilitating traffic on any public occasion procession or demonstration or for the execution of any works by the corporation or for any purpose which the corporation in the exercise of their powers for the good government of the city or the safety of the public deem necessary such stoppage delay or suspension to continue only as long as may be reasonably



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(Goods animals &c. not to be carried without the consent of the corporation.)

(Tramways in Carlisle not to be used by any other local authority company or person.)

(Corporation may make additional byelaws.)

(Promoters not to sell under section 44 of Tramways Act 1870 without first giving corporation option of purchase.)

(Protection of corporation tolls.)

necessary for the purposes aforesaid or any of them and the Promoters shall not be entitled to claim nor shall the corporation be entitled to pay any compensation or damage in respect thereof:

(23) The city tramways shall not be used for the carrying or transmission of any animals goods minerals or parcels exceeding twenty-eight pounds in weight (except such personal luggage as the Promoters may be willing to carry) without the consent or licence in writing of the corporation and the corporation is hereby empowered to give such consent or licence upon and subject to such terms and conditions as they may think fit but so that no such consent or licence shall operate for a longer period than five years :

(24) No local or road authority company or person other than the Promoters shall use any of the city tramways for any purpose either with or without the consent of the Promoters without the consent in writing of the corporation for that purpose had and obtained :

(25) The corporation may from time to time make under and according to the provisions of section 46 of the Tramways Act 1870 regulations and byelaws for all or any of the following purposes in addition to the purposes in the said section mentioned (that is to say)—

1. For prohibiting smoking in the tramway carriages or on the footboards thereof;
2. For prohibiting the blowing of or playing upon horns or other instruments or the ringing of bells by the driver or conductor of any tramway carriage or by any person travelling on or using any such carriage ;
3. For prohibiting overcrowding in and on the carriages ;
4. For empowering the corporation to cause to be removed from the tramways any horse carriage fittings or other things which are unfit for use on the tramways :

(26) In the event of the Promoters desiring to exercise the power of sale conferred by the forty-fourth section of the Tramways Act 1870 they shall in the event of such proposed sale being to any person or company give three calendar months' notice in writing to the corporation of their intention to exercise such power and in the event of the corporation by written notice within such period of three months requiring the Promoters to sell the undertaking to them the Promoters shall sell to the corporation accordingly as a going concern at a price to be fixed by an arbitrator to be appointed by the Board of Trade :

(27) The Promoters shall make provision for facilitating the due collection by the corporation or their lessees of any tolls which may be payable to them in respect of any goods articles or merchandise carried on the tramways such provision in the case of goods articles or merchandise carried in carriages together with passengers to be made by the carriages stopping at the ancient city boundary for collection of the said tolls when required and in case of goods articles or merchandise carried otherwise and

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all other traffic by the Promoters keeping an account of the same and of the tolls payable in respect thereof which shall be open to the inspection of the corporation their officers or lessees and paying over the said tolls to the corporation or their lessees periodically or in such other manner in either case as shall be mutually agreed :

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- (28) During the construction of any works by this Order authorised in any road in the city the Promoters shall make such arrangements in relation to the execution of such works as may in the opinion of the corporation be proper for preventing the traffic along such road from being unnecessarily impeded : (Traffic on roads not to be impeded during construction of works.)
- (29) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the provisions of this section) extend and apply to the corporation with reference to the gas and water mains pipes and apparatus belonging to the corporation in like manner as the same would apply to a company or person being the owner of gas or water mains or pipes Provided that all works or interference with or in connexion with the gas and water mains pipes or apparatus of the corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters : (For the protection of the gas and water mains of the corporation.)
- (30) The cost of construction providing and laying any new gas water or electric mains pipes wires or apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any gas water or electric mains pipes wires or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation be repaid to the corporation by the Promoters : (Promoters to pay cost of new gas or water mains or electric apparatus &c. rendered useless by their works.)
- Provided always that whenever any new main pipe wire or apparatus of larger dimensions shall be substituted for any existing main pipe wire or apparatus the Promoters shall (unless the increased dimensions be required by reason of the construction or existence of the tramways) only be required to pay the costs which would have been incurred by the substitution of a main pipe wire or apparatus of equal dimensions with the existing main pipe wire or apparatus :
- (31) Nothing contained in this Order shall interfere with the exercise by the corporation of the powers rights and privileges conferred upon them respectively by any Act or Acts of Parliament of laying down maintaining and as the case may require repairing altering removing or replacing any mains pipes wires or other works in or under any of the roads or thoroughfares upon which the tramways or any or either of them may be laid under the authority of this Order : (Power of corporation with respect to laying down mains &c. reserved.)
- (32) Nothing in this Order shall prevent the corporation from laying from time to time as they may think proper any additional mains pipes or wires (Corporation to have power to lay additional mains.)



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with all scour pipes wires and air and other valves or apparatus for supplying gas water or electric energy at under across or near to the tramways and the corporation shall not unless the same is caused by the negligence of the workmen employed by the corporation be liable for any damage to the tramway or loss of traffic thereon that may be caused by the laying of such additional mains or pipes wires and apparatus Provided that the operations of the corporation shall be carried on so as to interfere as little as possible with the traffic on the tramways :

(Removal &c. of mains &c. to be effected by the corporation at cost of Promoters.)

(33) Whenever the Promoters desire under the authority of this Order to do any act which may render necessary the alteration removal or displacement of any of the mains pipes valves syphons plugs or other apparatus or works belonging to or under the control of the corporation the Promoters shall give to the corporation fourteen days' notice in writing of such desire and the corporation shall as soon as conveniently may be but without prejudice to the protection afforded to them by the Tramways Act 1870 or this Order make such alterations displacement or removal as the case may be and do all work incidental thereto and all reasonable expenses which may be thereby incurred shall be repaid by the Promoters on demand and in default may be recovered from the Promoters by the corporation in manner provided by this Order :

(Recovery of moneys by corporation.)

(34) Any sums which may become due or payable by the Promoters to the corporation under the provisions of this Order (except as otherwise expressly provided) may be recovered by the corporation from the Promoters by all and the same means as any simple contract debt may be recovered :

(Settlement of differences.)

(35) If any difference shall arise under this Order between the Promoters and the corporation the matter in difference shall unless otherwise agreed be referred to the arbitration of a person to be nominated by the Board of Trade.

For protection of London and North Western Caledonian and North Eastern Railway Companies Carlisle Goods Traffic Committee and Carlisle Citadel Station Committee.

9. For the protection of the London and North Western Railway Company the Caledonian Railway Company the North Eastern Railway Company the Carlisle Goods Traffic Committee and the Carlisle Citadel Station Committee (herein-after referred to as "the said companies") the following provisions shall unless otherwise agreed to between the said companies respectively and the Promoters apply and have effect :—

(1) The Promoters shall not in any way alter or interfere with the structure of any bridge or viaduct carrying any road over any railway of or maintained by the said companies and they shall so construct and maintain the tramways and all works connected therewith over any such bridge or viaduct and the approaches thereto as not injuriously to affect the same or to cause any interruption to the passage or conduct of traffic along the said railways :

(2) In the event of any injury being caused to any such bridge or viaduct or the approaches thereto by the construction maintenance repairing user or removal of any of the said tramways and works the Promoters shall



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forthwith make good or remove such injury at their own expense or the company so injuriously affected may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the said company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge or viaduct and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 or this Order and the said company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered :

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- (3) Whenever and so often as any of the said companies shall require to widen lengthen strengthen reconstruct alter or repair any such bridge viaduct or approaches or to widen or alter their railways or to lift or support any such bridge or viaduct owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridge viaduct or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company affected may find it to be absolutely necessary for effecting such purpose and the said company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :
- (4) In case any such strengthening shall be necessary owing to the carriages or other vehicles on any of the said tramways being or being intended to be moved by any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the company affected all additional expenses which they may incur or be put to in effecting any such widening lengthening strengthening reconstructions alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the said company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered :
- (5) All works which may be necessary in constructing and maintaining any of the said tramways and works over any bridge viaduct works or property of any of the said companies shall be constructed and maintained

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in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company affected or in case of difference of an engineer to be appointed by the Board of Trade on the application of the said company or the Promoters :

(6) No additional crossing passing place siding or turnout shall under this Order be made in connexion with so much of Tramway No. 2 as will extend along Saint Nicholas Street or Saint Nicholas Bridge over the distance in front of the property of the London and North Western Railway Company or of the entrances from Saint Nicholas Bridge to the said company's goods yard and cattle pens and as will extend for a distance of 10 yards at each end of such respective distances and in working the said Tramway No. 2 by this Order authorised no tramcar or other vehicle used thereon shall without the consent in writing of the said company under their common seal be stopped or permitted to be stopped within such respective distances or lengths :

(7) If any difference shall under this Order arise between the Promoters and any of the companies or their respective engineers the matter in difference shall unless otherwise agreed be determined (save where by this section otherwise provided) by the Board of Trade whose decision shall be final.

Provisions as  
to construction  
of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority plans sections and specifications showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plans sections specifications and statement have been approved by the Board of Trade and the road authority and after such approval the works shall be executed in accordance in all respects with such plans sections specifications and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of  
tramways.

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

Penalty for not  
maintaining  
rails and roads  
in good con-  
dition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Promoters at any time make default in complying with this provision or with the requirements 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.



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In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters 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 assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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

Sanitary authority to have access to sewers.

14. If any road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on a level with surface of road.

15. The Promoters may subject to the provisions of this Order with the consent of the local authority and road authority from time to time make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables or carriage-houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Additional crossings &c. may be made where necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance

Temporary tramways may be made when necessary.



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A.D. 1898. with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or discontinued.

*Carlisle.*

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of Promoters' works.

17. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may with the sanction of the road authority be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same at such place as he may direct. Provided that if within three days after notice duly given such surplus is not delivered as aforesaid the road authority may remove the same and the costs and expenses incurred in so doing as certified by the surveyor for the time being of such road authority shall be borne by the Promoters and paid by them to the road authority and may be recovered by the road authority by all and the same means as any simple contract debt may be recovered.

Agreements between Promoters and road authorities.

18. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same.

Tramways not to be opened until certified by Board of Trade.

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

*Motive Power.*

Provisions as to motive power.

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

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:
- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this

[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. ccx.]  
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Order of mechanical power on the tramways and for regulating the use of electric power:

A.D. 1898.

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(3) The Promoters or any other company or person using any mechanical power on the tramways contrary to the provisions of this Order 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 Promoters or such other company or person have or has made default in complying with the provisions of this Order or of the Board of Trade Regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

may by order either direct the Promoters or such other 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 Promoters or such other 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.

21.—(1) The Promoters may (subject to the provisions of this Order):—

(a) Erect provide and use on any lands acquired by them under the powers of this Order dynamos engines boilers and other machinery and apparatus and things necessary or proper for the working of tramways by mechanical power;

Works for  
applying  
electrical or  
mechanical  
power.

(b) From time to time subject to the reasonable approval of the local and road authority and to such reasonable terms and conditions as those authorities may impose and subject to the approval of the local authority as to the design of works enter upon and open the surface of and lay down construct erect and maintain on in under or over the surface of any road such posts conductors wires tubes mains plates boxes and apparatus and make and maintain such openings posts wires tubes or ways in on under or over any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connexions with any engines machinery or apparatus or for connecting any portions of such tramways.

(2) The provisions of section 26 of the Tramways Act 1870 and the provisions of this Order shall apply mutatis mutandis to the breaking up of and interference with any roads under this section and the Promoters shall from time to time and without delay repair and make good all such roads to the satisfaction of the road authority.

(3) If at any time the local authority shall become entitled under the provisions of sections 41 or 42 of the Tramways Act 1870 or of any other enactment to remove the tramways within their district or any part thereof the local authority may without removing such tramways or in addition



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A.D. 1898. thereto remove the electrical equipment of such tramways or of such part thereof in like manner and subject to the same provisions as to the payment of the costs in every respect as in cases of removal of tramways under section 41 of the said Act.

*Carlisle.*

(4) All works to be executed by the Promoters in any street or road in pursuance of the powers of this section shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

22. Subject to the provisions of this Order 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):—

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 Order shall be liable to a penalty not exceeding forty shillings.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

23. 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 local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by the Board of Trade Regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so authorised.

Special provisions as to use of electric power.

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

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

(2) The Promoters 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



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or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

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- (3) The Promoters 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 Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade Regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade Regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (7) The expression "the Promoters" in this section shall include any person owning working or running carriages over any tramways of the Promoters.

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

For the protection of the Postmaster-General.

- (1) The Promoters 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 Her 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

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of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters 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 Promoters 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 Promoters or their agents with respect to any requirements so made shall be determined by arbitration :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters 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 :
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if



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telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work : A.D. 1898.  
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- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- (11) In this section the expression " the Promoters " includes any person owning working or running carriages over the tramways of the Promoters.

*Traffic upon Tramways.*

26. Subject to the provisions of this Order the tramways may be used for the purpose of conveying passengers animals goods minerals and parcels Provided that the Promoters shall not be bound unless they think fit to carry passengers' luggage exceeding twenty-eight pounds in weight nor any parcels or goods. Traffic upon tramways.

27. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority nor shall any carriages trucks or waggons constructed for use upon a railroad be permitted to pass along the tramways between the same hours without such consent. Heavy traffic confined to certain hours.

28. The Promoters shall at all times after the opening of the tramways or any part or parts thereof for public traffic provide such service of cars as may be reasonably required in the public interests and the Promoters shall be liable to a penalty of not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Provided that the Promoters shall not be liable to any such penalty if the failure to run such service arises from circumstances over which they have no control Any question which may Service of cars.



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A.D. 1898. arise as to the service of cars required in the public interests may be determined  
*Carlisle.* on the application of the Promoters or of the local authority or other body or person by the Board of Trade whose decision shall be final and conclusive.

*Rates.*

Rates for passengers.

29. The Promoters may demand and take for every passenger travelling upon any of the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

As to fares on Sundays and holidays.

30. The Promoters or any other company or person working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

31. Every passenger travelling upon the tramway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

32. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than half-past five in the evening respectively as the Promoters think most convenient for artizans mechanics daily labourers clerks and shop assistants at rates or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section Provided always that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages arises from circumstances over which the Promoters have no control Provided that in case of any complaint made to the Board of Trade as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Rates for animals goods &c.

33. The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramway (except as is by this Order specially provided) including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

34. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner

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and under such regulations as the Promoters may by byelaws made under section 46 of the Tramways Act 1870 appoint. A.D. 1898.

35. If at any time after three years from the opening for public traffic of the tramways or any portion thereof 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 the local authority of any district in which the tramways or such portion are or is wholly or partially situate or by twenty inhabitant ratepayers of that district or by the Promoters that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion 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 rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters.

*Carlisle.*  
 Periodical  
 revision of  
 rates.

*Miscellaneous.*

36. The Promoters or any person using the tramways or any portion of the tramways under the authority of this Order may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with any person with respect to the receiving from or forwarding to any such person any animals goods minerals or parcels and the fixing collecting and apportionment of rates charges or other receipts arising in respect of such traffic.

Power to enter  
 into agree-  
 ments with  
 respect to  
 traffic.

37. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights or any licences to use patent rights relating to the construction or working of tramways or carriages used thereon or the engines and appliances used in connexion therewith.

Power to hold  
 patents.

38. The Promoters may from time to time enter into and carry into effect agreements with any person for the supply by such person of electrical energy for the purposes of this Order.

Power to agree  
 for a supply of  
 electrical energy  
 by other com-  
 panies &c.

39. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Approval of  
 Board of Trade  
 to sale &c. in  
 writing.

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*Carlisle.*

Saving as to  
powers of  
borrowing on  
mortgage.

40. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be endorsed with notice that such mortgage will not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870.

Orders &c.  
of the Board  
of Trade.

41. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery  
of penalties.

42. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Form and  
delivery of  
notices.

43. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):—

- (1) Every notice shall be in writing and if given by the Promoters or by any local or road authority shall be signed by their secretary or clerk:
- (2) Any notice to be delivered by or to the Promoters to or by any local or road authority or other person may be delivered by being left at the principal office of the Promoters or of that authority or person as the case may be or by being sent by post in a registered letter addressed to their respective secretary or clerk at their principal office.

Provisions as  
to arbitration.

44. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Saving for  
general Acts.

45. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general



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Act relating to tramways now in force or which may hereafter pass or come into force during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised by this Order

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*Carlisle.*

SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &c.

<i>Animals.</i>	Per Mile.
	<i>s. d.</i>
For every horse mule or other beast of draught or burden - per head	0 4
For every ox cow bull or head of cattle - - - - -	0 3
For every calf pig sheep or other small animal - - - - -	0 1½

*Goods and Minerals.*

For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton 0 2
For all iron iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - per ton	0 2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0 3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton	0 4
For every carriage of whatever description - - - - -	1 0

*Small Parcels.*

	Any Distance.
	<i>s. d.</i>
For any parcel not exceeding seven pounds in weight - - - - -	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0 7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0 9
For any parcel exceeding fifty-six pounds in weight such sums as the Promoters may think fit.	

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*Carlisle.*

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

*Single Articles of Great Weight.*

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

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

*Regulations as to Rates.*

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton the Promoters may demand and take rates and charges according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

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

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HARTLEPOOL.

*Hartlepool. Order authorising the General Electric Tramways Company Limited to construct additional Tramways in the Borough of West Hartlepool in the County of Durham and for other purposes.*

Short title.

1. This Order may be cited as the West Hartlepool Tramways Order 1898.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are expressly varied by this Order. The provisions of section 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General subject to the following condition (that is to say) that all works executed in



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relation to any lowering or alteration of the Postmaster-General's telegraphic lines or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Promoters.

A.D. 1898.

Hartlepool.

The expression "telegraphic line" herein has the same meaning as in the Telegraph Act 1878.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings. Interpretation.

Provided that in this Order—

The expression "the Order of 1883" means the Hartlepool Tramways Order 1883.

The expression "the Order of 1884" means the Hartlepoons Tramways Order 1884.

The expression "the Order of 1888" means the Hartlepoons Tramways Order 1888.

The expression "the Order of 1895" means the Hartlepoons Tramways Order 1895.

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised.

The expression "the Promoters' tramways" means the existing tramways constructed under the Order of 1883 and the Order of 1884 as amended by the Order of 1888 and by the Order of 1895 and the tramways by this Order authorised.

The expression "the corporation" means the mayor aldermen and burgesses of the borough of West Hartlepool.

The expression "mechanical power" includes electric and every other motive power not being steam or animal power.

The expression "engine" includes motor.

In the construction of the sections of the Order of 1883 and the Order of 1895 made applicable to this Order the following expressions therein shall for the purposes of such application have the following meanings The expression "the tramways" shall mean the tramways by this Order authorised "this Order" shall mean this Order "the Promoters" shall mean the Promoters of this Order "the undertaking" shall mean the tramways and undertaking by this Order authorised.

*Promoters.*

4. The General Electric Tramways Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which Lands by agreement.

[Ch. cxx.] *Tramways Orders Confirmation (No. 3) [61 & 62 VICT.]*  
*Act, 1898.*

A.D. 1898. may not be necessary for such purposes provided that they shall not at any  
*Hartlepool.* time hold for such purposes more than three acres of land Provided also that  
nothing in this Order shall exonerate the Promoters from any indictment action  
or other proceeding for nuisance in the event of any nuisance being caused or  
permitted by them upon lands taken under the powers of this section.

*Construction of Tramway.*

Construction  
of tramway.

6. The Promoters may construct and maintain subject to the provisions of  
this Order and in accordance with the plans and sections deposited for the  
purposes of this Order at the office of the Board of Trade the tramways herein-  
after described with all proper rails plates sleepers works and conveniences  
connected therewith or for the purposes thereof and may work and use the  
same.

The tramways authorised by this Order are—

Tramway No. 1.—A tramway commencing at a point in the centre of  
Church Street 2·84 chains or thereabouts measured eastward from the  
point of junction of Church Street and Lynn Street thence passing in a  
westerly direction along Church Street Church Square and Clarence Street  
and terminating in Cleveland Road by a junction with the existing  
tramway of the Promoters in Cleveland Road at a point 1·13 chains or  
thereabouts measured in a north-westerly direction from the north-west  
corner of the Public Library in Clarence Street.

Tramway No. 1 will consist of a doubling of a portion of the Tramway  
No. 1 situated in Church Street and Church Square authorised by the  
Hartlepool Tramways Order 1883 and it will be laid as a double line  
throughout except at the following places where it will be laid as a single  
line (that is to say)—

In Church Street for a distance of 0·66 chains from its point of  
commencement In Cleveland Road and Clarence Street for a  
distance of 2·90 chains from its termination.

The total length of tramway No. 1 is 2 furlongs 1·27 chains of which  
1 furlong 7·71 chains is double line and 3·56 chains is single line.

Tramway No. 1A.—A tramway (1·13 chains in length) consisting of a short  
curved single line commencing by a junction with the existing tramway of  
the Promoters in Cleveland Road at a point ·57 chains or thereabouts  
measured south-westwards from the north-west corner of the Public  
Library in Clarence Street and passing thence by a curved line along  
Cleveland Road and Clarence Street and terminating in Clarence Street  
by a junction with the proposed Tramway No. 1 at a point 0·424 chains  
or thereabouts measured north-easterly from the said north-west corner of  
the Public Library in Clarence Street.

The radius of the curves in Clarence Street of Tramway No. 1 and  
Tramway No. 1A shall be such as the corporation approve.

The said tramways will be wholly situate in the parish and township of  
West Hartlepool borough of West Hartlepool and county of Durham.



[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. ccx.]  
*Act, 1898.*

A.D. 1898.

*Hartlepool.*

7. Subject to the provisions of this Order sections 7 11 12 13 14 16 18 19 and 20 of the Order of 1883 (relating to the construction of tramways) shall apply to the tramways by this Order authorised as if they were herein re-enacted.

Application of provisions of the Order of 1883 as to construction of tramway.

8. The following provisions for the protection of the corporation shall apply and have effect with respect to the tramways:—

For protection of the corporation.

(1) If by reason of the construction of any of the tramways any alteration is rendered necessary in the level of any road the reasonable expense of making such alteration shall be borne and paid by the Promoters Provided that any difference arising between the corporation and the Promoters with respect to the necessity for such alteration shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority :

(If alteration in level of roads or footways necessary in consequence of tramways expense to be borne by the Promoters.)

(2) Notwithstanding anything in this Order contained all road materials excavated by the Promoters in the construction of the tramways and not used in constructing such tramways shall belong to the Promoters :

(Materials of roads to belong to Promoters.)

(3) When any tramway or passing-place is constructed or required to be constructed within the district over any manhole or any entrance to any sewer belonging to the corporation or so close to any such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the corporation or of their surveyor for the time being the Promoters shall if required by the corporation construct another manhole or entrance in lieu thereof in such a position and according to such plans as may be approved of by the corporation :

(As to entrance to sewers.)

(4) If the Promoters as to any portion of the tramways at any time fail to comply with any of the requirements of section 28 of the Tramways Act 1870 or to maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of such tramways for the time being consist or the substructure on which the same rest the corporation may (if they think fit) after giving to the Promoters forty-eight hours' notice in that behalf (and without prejudice to any other remedy) execute and do all works necessary for such maintenance and repair and for such restoration of the road as in the said section 28 of the Tramways Act 1870 or in this Order mentioned and may recover the costs charges and expenses of so doing from the Promoters with full costs of suit by all and the same means as a simple contract debt of like amount is recoverable :

(Further provisions as to maintenance of tramways.)

(5) The corporation shall have power at any time by giving twenty-four hours' previous notice in writing to the Promoters to absolutely stop delay or suspend the working of any of the tramways for regulating and facilitating on any market day public occasion procession or demonstration or for the execution of any works by the corporation or for any purpose which in the exercise of their powers respectively for the good government of the district or the safety of the public they deem necessary such stoppage delay or suspension to continue only as long as may be

(Powers to corporation to suspend traffic on tramways.)

[Ch. CCX.] *Tramways Orders Confirmation (No. 3)* [61 & 62 VICT.]  
*Act, 1898.*

A.D. 1898.

*Hartlepool.*

(Promoters not to sell under section 44 of the Tramways Act 1870 without first giving corporation option of purchase.)

reasonably necessary for the purposes aforesaid or any of them and the Promoters shall not be entitled to claim nor shall the corporation be liable to pay any compensation or damages in respect thereof:

- (6) In the event of the Promoters desiring to exercise the power of sale conferred by section forty-four of the Tramways Act 1870 they shall if such sale is intended to be made to any person persons or company other than a company incorporated within two years after the passing of the Act confirming this Order for the purpose of constructing and working the tramways give two calendar months' previous notice in writing to the corporation of their intention to exercise such power and of the terms and conditions of such proposed sale and the corporation may thereupon if by resolution passed at a special meeting of the members constituting the corporation in accordance with the provisions of section forty-three of the Tramways Act 1870 they so decide within the said period of two months by notice in writing require the Promoters to sell to them the tramways upon the same terms and conditions as those specified in the said first-mentioned notice and the Promoters shall thereupon forthwith sell the same to the corporation accordingly and all the provisions of section forty-three of the Tramways Act 1870 with regard to the purchase of the undertaking by the local authority shall extend and apply to any sale to the corporation under this section.

Additional crossings &c. may be made where necessary.

9. The Promoters may subject to the provisions of this Order with the consent of the local authority and the road authority from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine houses carriage houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between the Promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions or works the same shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

*Motive Power.*

Provisions as to motive power.

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

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



[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. ccx.]  
Act, 1898.

electric power shall not be used except with the additional consent of the corporation :

A.D. 1898.

*Hartlepool.*

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

(3) The Promoters or any other company or person using any mechanical power on the tramways contrary to the provisions of this Order 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 Promoters or such other company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

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

may by order either direct the Promoters or such other 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 Promoters or such other 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.

11. The Promoters may subject to the provisions of this Order construct lay down place erect maintain renew and repair all such engines cables electric mains wires posts overhead wires plates tubes grooves rails batteries dynamos accumulators apparatus machinery works and appliances as may be requisite or necessary for the purpose of the working by electrical power of any tramways which in accordance with the provisions of this Order it may for the time being be lawful to work by electrical power and may for that purpose subject to the restrictions and provisions of this Order open and break up any road in which the tramways so to be worked by electrical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder. Provided that before constructing or making any alteration in any such works in over or under any road the Promoters shall lay before the Board of Trade and the road authority a plan of all such works and shall not commence the construction or alteration thereof until such plan shall have been approved by the said Board and by the said road authority and all such works shall be constructed or altered in accordance with the plan so approved. Provided also that all such works shall for all purposes of Part II. of the Tramways Act 1870 be deemed to be works of a tramway. Provided always that nothing in this Order shall exonerate the

As to laying down and maintaining works necessary for using electrical power.

[Ch. ccx.] *Tramways Orders Confirmation (No. 3) [61 & 62 VICT.]  
Act, 1898.*

A.D. 1898. Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them under the powers in this section contained.

*Hartlepool.*

Agreements  
with road  
authority.

12. Subject to the provisions of this Order the Promoters on the one hand and the road authority on the other hand may from time to time enter into and carry into effect agreements with respect to the use of electrical power on the Promoters' tramways the mode of laying down or erection and maintenance of any cables mains posts wires apparatus or other works the maintenance of roads and the exercise of any powers by this Order conferred in that behalf.

Special provi-  
sions as to use  
of electric  
power.

13. The following provisions shall apply to the use of electric power on the Promoters' tramways unless such power is entirely contained in and carried along with the carriages:—

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Promoters 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 Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Promoters 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



[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. ccx.]  
Act, 1898.

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 :

A.D. 1898.

*Hartlepool.*

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

(7) The expression "the Promoters" in this section shall include licencees and any person owning working or running carriages over any tramway of the Promoters :

Section 3 of the Order of 1895 is hereby repealed.

14. Subject to the provisions of this Order sections 23 to 28 (relating to "motive power") of the Order of 1883 and section 5 of the Order of 1895 (relating to "protection of the Postmaster-General") shall as far as applicable apply to the tramways by this Order authorised and to the Promoters.

Application of sections of Orders of 1883 and 1895 relating to motive power.

*Traffic and Tolls.*

15. The tramway by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Order of 1883 and subject to the provisions of this Order sections 29 to 33 and 35 and Schedule B (relating to traffic upon tramways) and sections 36 to 41 (relating to tolls) of the Order of 1883 and section 4 of the Order of 1895 (relating to fares on Sundays and holidays) shall as far as the same are applicable apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner and in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883.

Applying provisions of Orders of 1883 and 1895 as to tolls and traffic.

*Miscellaneous.*

16. The corporation shall in the event of their deciding to purchase the existing tramways and undertaking of the Promoters also purchase at the same time and on the same terms and conditions the tramways and undertaking by this Order authorised.

As to purchase by local authority of tramways and undertaking.

17. Subject to the provisions of this Order sections 45 to 47 49 and 50 of the Order of 1883 (relating respectively to "form and delivery of notices" "agreements between Promoters and road authority" "power to enter into agreements with respect to traffic &c." "approval of Board of Trade to sale &c. to be in writing" and "saving as to powers of borrowing on mortgage") shall apply in and for the purposes of this Order as if they were herein re-enacted.

Applying certain provisions of the Order of 1883 relating to miscellaneous matters.

18. The provisions of section 41 (Running powers over other tramways) of the Hartlepool Electric Tramways Order 1895 shall apply mutatis mutandis

Running powers.

[Ch. ccx.] *Tramways Orders Confirmation (No. 3)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. to the tramways authorised by this Order as if the tramways had been referred  
to in the said section.

*Hartlepool.*

Provisions as to  
arbitration.

19. Where under the provisions of the Tramways Act 1870 and the Orders of 1883 1884 1888 and 1895 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 44 of the Order of 1883 is hereby repealed.

Saving for  
general Acts.

20. Nothing in this Order contained shall exempt the Promoters or any person using the Promoters' tramways or the Promoters' tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass or come into force during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Order.

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CITY OF OXFORD AND DISTRICT.

*City of Oxford  
and District.*

*Order authorising the City of Oxford and District Tramways  
Company Limited to construct a new Tramway.*

Short title.

1. This Order may be cited as the Oxford Tramways (Extension) Order 1898.

Incorporation  
of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that in this Order—

The expressions "the tramway" and "the undertaking" mean respectively the tramway and works and the undertaking by this Order authorised; and

The expressions "the Order of 1879" "the Order of 1883" and "the Order of 1886" shall respectively mean the Oxford Tramways Order



[61 & 62 VICT.] *Tramways Orders Confirmation (No. 3) [Ch. ccx.]*  
*Act, 1898.*

1879 the Oxford Tramways (Extensions) Order 1883 and the Oxford  
Tramways (Extensions) Order 1886. A.D. 1898.

The expression "the corporation" means the mayor aldermen and citizens  
of the City of Oxford. *City of Oxford  
and District.*

*Promoters.*

4. The City of Oxford and District Tramways Company Limited shall be  
the Promoters for the purposes of this Order and are in this Order referred to  
as "the Promoters." *The Promoters.*

5. The tramway by this Order authorised shall be deemed to form part of  
the undertaking authorised by the Order of 1879 the Order of 1883 and the  
Order of 1886 and all the provisions of the Order of 1879 the Order of 1883  
and the Order of 1886 as amended by this Order shall so far as applicable and  
subject to the provisions of this Order apply to the tramway by this Order  
authorised in like manner in every respect as if the same formed part of the  
tramways authorised by the Order of 1879 the Order of 1883 and the Order  
of 1886. *Tramway to  
form part of  
undertaking of  
Promoters.*

*Construction of Tramway.*

6. The Promoters may construct and maintain subject to the provisions of  
this Order and in accordance with the plans and sections deposited for the  
purposes of this Order at the office of the Board of Trade as the same have  
been amended previous to the passing of the Act confirming this Order (which  
plans and sections so amended as aforesaid are in this Order referred to  
respectively as "the deposited plans" and "the deposited sections") the  
tramway hereinafter described with all proper rails plates curves points offices  
weigh-bridges carriage-houses stables sheds warehouses works and conveniences  
connected therewith or for the purposes thereof and may work and use the  
same. *Construction  
of tramway.*

The tramway authorised by this Order is situate in the parish of St. Giles  
in the city of Oxford and is—

A tramway 6 furlongs and 2·9 chains in length (of which 5 furlongs and  
3·9 chains is single line and 9 chains is double line) commencing in  
Banbury Road by a junction with the existing lines authorised by the  
Order of 1879 in that road at a point opposite the easterly end of  
St. Margaret's Road and passing thence in a northerly direction along  
Banbury Road and terminating in that road at a point opposite the centre  
line of South Parade Summertown.

The said tramway will be laid throughout as a single line except where  
as next described it will be laid as a double line (that is to say) :—

(A) For a length of three chains between points respectively seven chains  
and ten chains north of the centre of Linton Road :

(B) For a length of three chains between points respectively opposite the  
north side of Marston Ferry Lane and opposite the south side of  
Beechcroft Road :

(C) For a length of three chains between points respectively sixty links  
south and two chains forty links north of the centre of Mayfield Road.

[Ch. ccx.] *Tramways Orders Confirmation (No. 3)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898.

*Tolls.*

*City of Oxford  
and District.*  
As to fares on  
Sundays and  
holidays.

7. It shall not be lawful for the Promoters or any company or person working or using the tramway or the tramways authorised by the Order of 1879 the Order of 1883 and the Order of 1886 to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Cheap fares for  
labouring  
classes.

8. The Promoters at all times after the opening of the tramway or any part thereof for public traffic shall and they are hereby required to run carriages each way over the whole length of the tramway every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than five in the evening respectively as the Promoters with the approval of the said authority think most convenient for artizans mechanics and daily labourers at fares not exceeding one half-penny per mile (the Promoters nevertheless not being required to take any fare less than one penny) And the said artizans mechanics and labourers shall be entitled to get into the said carriages at any point and be conveyed therein at a fare not exceeding one penny to any place upon the system and the Promoters shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section Provided always that the Promoters shall not be liable to any such penalty if the failure to run such number of carriages arises from circumstances over which the Promoters have no control Provided that in case of any dispute between the Promoters and the road authority or of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters or as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time The Promoters shall not except as hereinbefore provided abandon abate or modify the rights and privileges conferred by this said section except with the express consent of the corporation.

*Miscellaneous.*

For the  
protection  
of the  
Summertown  
Congregational  
Church.

9.—(1) Notwithstanding anything shown on the deposited plans no part of the tramway by this Order authorised shall be constructed to the north of a point opposite the centre line of South Parade Summertown :

(2) The road between the rails of the tramway for a distance of fifty yards from its northern termination shall be laid with wood or other silent material :

For the  
protection  
of the  
Corporation.

10. For the protection and benefit of the corporation and in consideration of the provisions as to the future purchase of tramways in this Order contained the following provisions shall have effect (that is to say) :—

(1) The Promoters shall proceed with the construction of the tramway as soon as possible after the passing of the Act confirming this Order and



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Act, 1898.

shall complete and open the same for public traffic on or before the thirty-first day of December one thousand eight hundred and ninety-eight :

A.D. 1898.

*City of Oxford  
and District.*

(2) The Promoters shall pay to the corporation in every year during the term of nine years from the passing of the Act confirming this Order the sum of two hundred pounds the first of such payments to be due and payable at the expiration of one year from the passing of the said Act and the subsequent payments to be respectively due and payable on the corresponding day in each subsequent year of the said term :

(3) If in any year from one thousand eight hundred and ninety-eight to one thousand nine hundred and seven both inclusive the profits of the Promoters shall exceed the sum of three thousand pounds the Promoters shall pay to the corporation a sum equivalent to twelve and a-half per centum on the amount by which such profits shall exceed the said sum of three thousand pounds and such sum shall be payable at the expiration of three months from the expiration of the year in respect of which it is payable The corporation shall for a period of three months from the delivery to them by the Promoters of the account showing the profits for the preceding year have the right of access to and inspection of all books and documents in the possession of the Promoters for the purpose of verifying such account :

(4) The Promoters shall pay all costs charges and expenses incurred by the corporation in relation to the preparation promotion and passing of this Order and of the Act confirming the same.

11. The Promoters shall not in the cleansing of the tramway use any salt or other material which in the opinion of the engineer of the city of Oxford is unsuitable for the purpose and the cleansing of the tramway shall at all times be executed under the direction and control of the said engineer.

*As to cleansing  
of tramway.*

12. The powers of purchase given by section 43 of the Tramways Act 1870 shall as regards the whole of the tramways constructed or to be constructed under the powers of the Order of 1879 the Order of 1883 the Order of 1886 and this Order be exerciseable by the corporation as if the construction of the said tramways had been authorised by the Order of 1886 If the tramway authorised by this Order shall not be completed and opened for traffic on or before the thirty-first December one thousand eight hundred and ninety-eight the corporation shall have the option of exercising the powers of purchase under section 43 of the Tramways Act 1870 under the Orders of 1879 1883 and 1886 as if this Order had not been made but such option shall not arise in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the tramway by unforeseen accident or circumstances beyond their control.

*As to future  
purchase  
of undertaking  
by local  
authority.*

13. Where under the provisions of the Tramways Act 1870 and the Order of 1879 the Order of 1883 the Order of 1886 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board

*Provisions as  
to arbitration.*

[Ch. ccx.] *Tramways Orders Confirmation (No. 3)* [61 & 62 VICT.]  
*Act, 1898.*

A.D. 1898. of Trade the provisions of the Arbitration Act 1889 shall except where  
*City of Oxford* otherwise specially provided apply to every such arbitration and the decision  
*and District.* of the arbitrator shall be final and conclusive and binding on all parties  
and the costs of and incidental to the arbitration and award shall if either  
party so require be taxed and settled as between the parties by any one  
of the taxing masters of the High Court and such fees may be taken in  
respect of the taxation as may be fixed in pursuance of the enactments  
relating to the fees to be demanded and taken in the offices of such masters  
and all those enactments including the enactments relating to the taking  
of fees by means of stamps shall extend to the fees in respect of the said  
taxation.

Section 34 of the Order of 1879 section 30 of the Order of 1883 and  
section 29 of the Order of 1886 are hereby repealed.

Carriage of  
mails on  
existing  
tramways.

14. The Conveyance of Mails Act 1893 shall extend and apply to the  
tramways authorised by the Order of 1879 the Order of 1883 and the  
Order of 1886 as if those tramways had been authorised by an Act of  
Parliament passed after the first day of January one thousand eight hundred  
and ninety-three.

Section 35 of the Order of 1886 is hereby repealed.

Saving for  
general Acts.

15. Nothing in this Order contained shall (except as otherwise expressly  
provided) exempt the Promoters or their tramways from the provisions of any  
general Act relating to tramways now in force or which may hereafter pass or  
come into force during this or any future session of Parliament or from any  
future revision or alteration under the authority of Parliament of the maximum  
rates of tolls or charges authorised by this Order.

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90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.