



CHAPTER cxcii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bradford Corporation Tramways Gorton Urban District Council Tramways Keighley Corporation Tramways Leeds Corporation Tramways Liverpool Corporation Tramways Extensions and Pudsey Corporation Tramways. A.D. 1905.
[11th August 1905.]

WHEREAS 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act 1905. 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 Confirmation
of Orders in
schedule.

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A.D. 1905, 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.

SCHEDULE.

LIST OF ORDERS.

BRADFORD CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Citizens of the City of Bradford to construct additional tramways in the said city.

GORTON URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Gorton to construct tramways in their district.

KEIGHLEY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct an additional tramway in the said borough.

LEEDS CORPORATION TRAMWAYS.—Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional tramways in their city.

LIVERPOOL CORPORATION TRAMWAYS EXTENSIONS.—Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional tramways in the said city.

PUDSEY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Pudsey to construct tramways in their borough.

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BRADFORD CORPORATION.

A.D. 1905.

Order authorising the Mayor Aldermen and Citizens of the City of Bradford to construct additional Tramways in the said City.

Bradford Corporation.

1. This Order may be cited as the Bradford Corporation Tramways Order 1905. Short title.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. 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: Interpretation.

Provided that in this Order—

The expression "the tramways" means the tramways and works by this Order authorised;

The expression "the city" means the city of Bradford;

The expression "the corporation" means the mayor aldermen and citizens of the city acting by the council.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Promoters.

5. The Promoters may subject to the provisions of this Order construct and maintain 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 hereinafter described with all proper plates rails sleepers channels (including in that expression channels passages and tubes for ropes cables wires and electric lines) junctions turntables turnouts crossings and passing-places waiting-rooms sheds shelters plant machinery apparatus appliances and conveniences: Construction of tramways.

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 under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways will be wholly situated within the city and are as follows:—

Tramway No. 1 (double line) 1 mile 5 furlongs 5·70 chains or thereabouts in length partly in the parish of North Bierley and partly in the parish of Wyke both in the city commencing in Huddersfield Road by a junction with the existing tramway at a point 30 yards or thereabouts north of Cleckheaton Road and continuing thence

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Bradford Corporation.

along Huddersfield Road and terminating in that road at a point 70 yards or thereabouts south-west of Town Gate :

Tramway No. 2 (double line) 1 mile 0·65 chain or thereabouts in length in the parish of Wyke in the city commencing in Huddersfield Road by a junction with Tramway No. 1 at its termination and continuing thence along Huddersfield Road and terminating in that road at the boundary which divides the city from the urban district of Hipperholme.

For protection of Lancashire and Yorkshire Railway Company.

6. If and when the Lancashire and Yorkshire Railway Company (hereinafter called "the Lancashire and Yorkshire Company") shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Promoters has been placed the Promoters shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the Lancashire and Yorkshire Company unless the Promoters shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer.

Renewal of powers of Promoters to construct tramways authorised by Bradford Tramways and Improvement Act 1899.

7. Subject to the provisions of this Order the powers of the Promoters to construct and equip Tramways Nos. 6 and 6A authorised by the Bradford Tramways and Improvement Act 1899 shall be revived and renewed so that the Promoters may construct the said tramways at any time previous to the thirty-first December one thousand nine hundred and eight.

Tramways to form part of corporation tramways for all purposes.

8. The tramways shall for all purposes form part of the tramways undertaking of the Promoters as if the same had been included amongst the tramways authorised by the Bradford Corporation Act 1903 and the Promoters and their lessees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they may now or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramways authorised by the said Act of 1903 and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by that Act.

Breaking or falling wires.

9.—(1) If having regard to the proposed position of the works of the Promoters when considered in relation to the position of the works of the Lancashire and Yorkshire Company at any point where the wires of the Lancashire and Yorkshire Company pass over the tramways it is advisable that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the Lancashire and Yorkshire Company should be altered the Lancashire and Yorkshire Company may execute any

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works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Promoters. A.D. 1905.

(2) Any question as to whether it is advisable that any alteration should be made in accordance with this section or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work shall unless otherwise agreed be referred to the Board of Trade for their determination or at the option of that Board to the arbitration of a person nominated by that Board and the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission. *Bradford Corporation.*

10. Where by reason of the execution of any work affecting the surface or soil of any road within the city along which any of the Promoters' tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road within the city and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make. Temporary tramways may be made when necessary.

11. Nothing in this Order contained shall authorise the attachment of brackets wires and apparatus to any house or building without the consent of the owner and occupier thereof or the taking of any lands except by agreement or exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order. Saving for general Acts.

GORTON URBAN DISTRICT COUNCIL.

Order authorising the Urban District Council of Gorton to construct Tramways in their District.

Gorton Urban District Council.

Preliminary.

1. This Order may be cited as the Gorton Urban District Council Tramways Order 1905. 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 inconsistent with or expressly varied by this Order. Incorporation of Acts.

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Gorton
Urban District
Council.
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 expression "the district" means the urban district of Gorton in the county of Lancaster ;

The expression "the council" means the urban district council of Gorton ;

The expression "the council's tramways" means the tramways and works by this Order authorised and all other tramways for the time being belonging to the council or (as the case may be) any part thereof ;

The expression "the undertaking" means the undertaking by this Order authorised and other the tramway undertaking of the council ;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power and the word "engine" includes motor.

Promoters.

4. The council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands.

5. The Promoters may—

(A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them ;

(B) by agreement from time to time purchase 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 may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

Provided that they shall not at any 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 appropriated or taken under the powers of this section.

Construction of Tramways.

A.D. 1905.

6. The Promoters may subject to the provisions of this Order—

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Construction
of tramways.

(A) construct and maintain 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 hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof;

(B) erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking:

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 under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order will be wholly situate within the district and are as follows (that is to say):—

Tramway No. 1 (7 furlongs 8·75 chains in length whereof 4 furlongs 5·79 chains are single line and 3 furlongs 2·96 chains are double line) commencing in Gorton Lane at the boundary of the district and the city of Manchester opposite to the south-western side of Queen's Road continuing along Gorton Lane Wellington Street and Hyde Road and terminating in the last mentioned road by a junction with the existing tramway of the council at a point seven yards east of the eastern side of Wellington Street:

Tramway No. 1 will be laid as a single line except at the following places where it will be laid as double line:—

(A) In Gorton Lane between the points respectively thirty-two yards and one hundred and thirty-two yards east of the commencement of the tramway;

(B) In Gorton Lane between the points respectively fifteen yards and eighty-one yards east of the eastern side of Bealey Street;

(C) In Gorton Lane between the points respectively one hundred and five yards and one hundred and eighty-nine yards east of the western side of Railway View;

(D) In Gorton Lane between the points respectively twenty-five yards and one hundred and nine yards east of the eastern side of Burton Street;

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(E) In Gorton Lane between the points respectively ten yards and seventy-six yards east of the eastern side of Blair Street ;

(F) In Gorton Lane and Wellington Street from a point six yards west of the western side of Church Lane to a point fourteen yards north of the northern side of Turner Street ;

(G) In Wellington Street between the points respectively twenty-one yards north and forty-five yards south of the northern side of Cross Lane ;

(H) In Wellington Street from a point six yards south of the southern side of Duke Street to the termination of the tramway in Hyde Road :

Provided that Tramway No. 1 in Gorton Lane between the points respectively 43 yards and 82 yards east of the eastern side of Taylor Street shall be so laid that 9 feet 6 inches shall intervene on both sides of the tramway between the outer rail and the kerb.

Tramway No. 1A (double line 1.46 chains in length) commencing in Wellington Street by a junction with the intended Tramway No. 1 at a point fifteen yards north of the northern side of Hyde Road and terminating in Hyde Road by a junction with the existing tramway of the council at a point seventeen yards west of the western side of Wellington Street.

Tramway No. 2 (1 furlong 8.66 chains in length whereof 6 chains are single line and 12.66 chains are double line) commencing in Hyde Road by a junction with the existing tramway of the council at a point ten yards east of the eastern side of Reddish Lane thence proceeding into and along Reddish Lane and terminating therein at the boundary of the district at a point ten yards south of the northern side of Back Green Lane :

Tramway No. 2 will be laid as a single line except at the following places where it will be laid as double line :—

(A) In Hyde Road and Reddish Lane from the commencement of the tramway to a point forty-one yards north of the southern side of Turnbull Road ;

(B) In Reddish Lane from a point sixty-seven yards north of the northern side of Back Green Lane to the termination of the tramway.

Tramway No. 2A (double line 1.50 chains in length) commencing in Hyde Road by a junction with the existing tramway of the council at a point nine yards east of the centre of the bridge carrying that road over the Stockport Canal passing thence into Reddish Lane and terminating in that lane at a point twelve yards south of the southern side of Hyde Road.

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Act, 1905.

7.—(1) Nothing in this Order contained shall prejudicially or injuriously affect the rights and status of the lord mayor aldermen and citizens of the city of Manchester (hereinafter referred to as "the corporation") under an agreement entered into by the corporation with the council dated the 18th November 1898 which is scheduled to and confirmed by the Manchester Corporation Tramways Act 1899.

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—
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Urban District
Council.
For protection
of corporation
of Manchester.

(2) The provisions of Part II of the Tramways Act 1870 incorporated in this Order shall apply to the water gas and electricity mains pipes wires and apparatus belonging to or under the control of the corporation in the district and shall be construed as if the corporation were mentioned in Part II of the Tramways Act 1870 in addition to "company or persons or person."

8. The following provisions for the protection of the Great Central and Midland Joint Committee (in this section called the "committee") shall unless otherwise agreed between the Promoters and the committee in writing under their respective common seals apply and have effect:—

For protec-
tion of Great
Central and
Midland Joint
Committee.

- (1) All works which may be necessary in constructing and maintaining any of the council's tramways on over or under any bridge or works of the committee shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the committee or in case of difference of an engineer to be appointed by the Board of Trade:
- (2) Before commencing any works on over or under any bridge or the approaches thereto or other work of the committee the Promoters shall give fourteen days' notice in writing to the committee of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works:
- (3) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over or under any railway of the committee or of the approaches thereto and they shall so construct maintain and use the council's tramways on over or under such bridge and the approaches thereto as not injuriously to affect the same Provided further that whenever any of the council's tramways on either side of any bridge to which this subsection applies is a single line there shall only be a single line over such bridge and no turnouts or passing-places shall be constructed thereon:
- (4) In the event of any injury being caused to any such bridge or approaches or other work by the construction maintenance repairing user or removal of any of the council's tramways the committee may at the expense of the Promoters restore such

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bridge or approaches or other work 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 committee 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 and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the committee 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 :

- (5) Whenever and so often as the committee shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the council's tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that the said tramways shall be temporarily diverted and wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters fourteen 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 it may be absolutely necessary for effecting such purpose and the committee shall not be liable for any compensation claims demands damages costs and expenses for and in respect of such stoppage or delay or in any way relating thereto :
- (6) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the council's tramways being or being intended to be moved by electrical steam or any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the committee 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 committee from the Promoters by all and the same means as any simple contract debt of like amount may be recovered :

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(7) In the event of the council's tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall except with the previous consent in writing of the committee be attached to any bridge or other work of the committee:

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(8) Any matter in difference between the Promoters and the committee under this section shall unless otherwise agreed be referred (save where by this section otherwise provided) to the arbitration of a person nominated by the Board of Trade.

9.—(1) The tramways authorised by this Order shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters.

Gauge and
width of
carriages.

(2) In the event of any of the council's tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways so constructed but no engine or carriage used on such tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing the council's tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the council's tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Provisions as
to construction
of tramways.

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

Rails of tram-
ways.

12.—(1) 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 council's tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

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

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(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the council's tramways or any portion thereof are or is situate or by twenty ratepayers of the 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.

Tramways to
be kept on level
of surface of
road.

13. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the council's 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.

Crossovers to
be constructed
in certain cases.

14. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Power to make
additional
crossovers &c.
and to alter
tramway lines.

15.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such crossovers 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 council's tramways or for effecting junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Promoters.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the council's tramways and may with the like consent alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the

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outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the council's tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to alter remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make.

Temporary tramways may be made when necessary.

17.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways authorised by this Order from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such 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 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 seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any matter in difference between the Promoters and any other person with

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A.D. 1905: reference to any of the matters aforesaid shall be referred to the arbitration of a person nominated by the Board of Trade.

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

18. The tramways authorised by this Order shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Provisions as to motive power.

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

(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 Order of mechanical power on the council's tramways and for regulating the use of electrical power :

(3) The Promoters or any person using any mechanical power on the council's 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 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 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 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.

Mechanical power works.

20. For the purpose of working the council's tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

(A) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1)* [Ch. cxciii.]
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generating electrical power with all necessary or proper machinery
dynamoes engines buildings works and conveniences ;

- (B) place construct erect lay down make and maintain on above or
below the surface of any street or road within the district posts
brackets electric conductors wires boxes apparatus subways
tunnels cables tubes and openings ;
- (C) with the consent of the owners and occupiers of any houses or
buildings within the district affix to such houses or buildings
or maintain brackets wires and apparatus.

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—
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Urban District
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21. All works to be executed by the Promoters or their lessees in any
street or road for working the council's tramways by mechanical power in
pursuance of the powers of this Order shall be deemed to be works of a
tramway subject in all respects (save as by this Order otherwise expressly
provided) to the provisions of the Tramways Act 1870 as in this Order
incorporated as if they had been therein expressly mentioned and section 30
(except subsections 1 and 5 thereof) of the Tramways Act 1870 shall have
effect with regard to the wires and apparatus of the National Telephone
Company as if wires or apparatus laid in a road included wires or apparatus
of the National Telephone Company erected or carried over a road or foot-
path Provided always that nothing in this Order contained shall authorise
the opening or breaking up of any street or road outside the district.

Mechanical
power works
to be subject
to Tramways
Act 1870.

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

Byelaws.

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

For regulating the emission of smoke or steam from engines used on the
council's 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 council's 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 council's
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.

[Ch. cxciii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
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Council.*

*Amendment of
Tramways Act
1870 as to bye-
laws by local
authority.*

*Special provi-
sions as to use
of electric
power.*

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 council's tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the council's tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

24. The following provisions shall apply to the use of electric power under 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 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 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 :
- (4) 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 expenses involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) 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

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1)* [Ch. cxcii.]
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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 :

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

(7) In this section the expression "the Promoters" includes any person owning working or running carriages over the council's tramways.

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

For protection
of Postmaster-
General.

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

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

(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 the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) Before any electric line is laid down or any act or work for working the council's tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other

[Ch. cxci.iii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
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(than repairs) 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 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 Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the tramway works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :
- (5) 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 :
- (6) 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 any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1)* [Ch. cxciij.]
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work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

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- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to 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 :
- (11) 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 :
- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the council's tramways.

Traffic upon Tramways.

26. The council's tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Traffic upon tramways.

27. The Promoters' lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

Promoters' lessees not bound to carry animals goods &c.

28. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the council shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of animals goods &c.

Rates.

29.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the council's tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

Passengers' fares.

(2) Provided that the Promoters' lessees may appoint stages upon the council's tramways not less than half a mile in length and may demand and take for every passenger travelling upon the council's tramways including

[Ch. cxcii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
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A.D. 1905. every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

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As to fares on Sundays and holidays. 30. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

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

Cheap fares for labouring classes.

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

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

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

Rates and charges for animals goods &c.

33. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the council's tramways including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of animals goods minerals and parcels and other things and any other service incidental to the business of a carrier beyond conveyance on the tramways where any such service is performed by the Promoters' lessees) 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 Any matter in difference as to what is a reasonable sum within this section shall be referred to the arbitration of a person nominated by the Board of Trade.

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1)* [Ch. cxcii.]
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Council.*

34. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the council's tramways and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Payment of rates.

35. If at any time after three years from the opening for public traffic of the tramways authorised by this Order or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the council's tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the council's 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 such referee reports that it has been proved to his satisfaction that all or any of the rates or 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 council's tramways or on such portion of the council's 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 or their lessees.

Periodical revision of rates and charges.

Miscellaneous.

36. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of the council's tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the council's tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the council and the council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the council to create or permit a nuisance.

Power to council to work tramways.

37. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the council be made by the council alone.

Regulations.

[Ch. cxci.] *Tramways Orders Confirmation (No. 1)* [5 EDW. 7.]
Act, 1905.

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Gorton
Urban District
Council.
Working
agreements.

38.—(1) Subject to the provisions of this Order the Promoters may—

(A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to—

(i) The construction of the tramways by this Order authorised;

(ii) The formation of junctions between the council's tramways and the tramways belonging to such person;

(iii) The working running over using maintaining and managing by either of the contracting parties of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;

(iv) The supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purposes of such agreement;

(v) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties;

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection :

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) In this section the word "tramways" includes light railways and parts of tramways and light railways.

Mortgages to
include rents
and rates.

39. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order.

Orders &c. of
Board of
Trade.

40. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1) [Ch. cxcii.]*
Act, 1905.

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.

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41. 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.

Recovery of penalties.

42. Section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the council's tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Audit of accounts.

43. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Protection of local authority.

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

Form and delivery of notices.

(1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary :

(2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.

45. 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 apply to every such arbitration as if the arbitration were pursuant to a submission.

Provisions as to arbitration.

46. Notwithstanding any provision in any Act or Provisional Order relating to the existing tramways of the council the Conveyance of Mails Act 1893 shall extend and apply to such tramways as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Promoters as the body or person owning or working such tramways.

Carrying of mails by Promoters.

47. The Gorton Urban District Council Tramways Order 1900 and so much of the Tramways Orders Confirmation (No. 4) Act 1900 as relates thereto are hereby repealed.

Repeal of part of Act.

[Ch. cxciii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
Act, 1905.

A.D. 1905.
Gorton
Urban District
Council.
Saving for
general Acts.

48. Nothing in this Order contained shall exempt the Promoters or any person using the council's tramways or the council's tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order.

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &c.

<i>Animals.</i>	Per Mile.
	s. d.
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 coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	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 wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	per ton 0 4
For every carriage of whatever description	1 0

Small Parcels.

	Any Distance.
	s. d.
For any parcel not exceeding 7 lbs. in weight	0 3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight...	0 5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0 7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	0 9
For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the person conveying the same may think fit :	

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like

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shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

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 Urban District
 Council.

For the Carriage of Single Articles of Great Weight

Per Mile.
 s. d.

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 person conveying the same may think fit not exceeding per ton 2 0

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 person conveying the same may think fit.

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

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

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

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

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

KEIGHLEY CORPORATION.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Keighley to construct an additional Tramway in the said Borough.

Keighley
 Corporation.

1. This Order may be cited as the Keighley Corporation Tramways Order 1905 and the Keighley Corporation Tramways Order 1903 (in this Order referred to as "the Order of 1903") and this Order may be jointly cited as the Keighley Corporation Tramways Orders 1903 and 1905.

Short and col-
 lective titles.

[Ch. cxci.iii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
Act, 1905.

A.D. 1905.
Keighley
Corporation.
Interpretation.

2. The several words terms and expressions to which by the Order of 1903 or the Acts in whole or in part incorporated therewith meanings are assigned have in this Order the same respective meanings:

Provided that in this Order—

The expression "the tramway" means the tramway and works by this Order authorised.

Promoters.

3. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction
of tramway.

4. 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 tramway hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof and necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters:

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 under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramway will be wholly situated within the borough and is as follows:—

Tramway No. 1 (single line 8·8 chains in length) commencing in South Street by a junction with the existing tramway in that street on Corn Mill Bridge at a point 33 yards north of the intersection of the centre lines of Oakworth Road and South Street thence proceeding in a northerly direction into and along Bridge Street and High Street to and terminating in North Street by a junction with the existing tramway in that street at a point 23 yards north of the intersection of the centre lines of North Street and High Street.

For protection
of Corn Mill
Bridge.

5. For the protection of the county council of the west riding of the county of York (in this section called "the county council") the following provisions shall have effect unless otherwise agreed in writing between the county council and the Promoters in relation to the tramway by this Order authorised and any of the corporation tramways so far as the same affect the county bridge known as Corn Mill Bridge in the borough (that is to say):—

(1) The Promoters shall so maintain and use the tramways over the said bridge as not injuriously to affect the same and in the event of any injury or damage being caused to the said bridge

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by the maintenance user or reconstruction of the tramways the Promoters shall at their own expense restore the same to the satisfaction of the county council :

A.D. 1905.
Keighley Corporation.

- (2) The Promoters shall not without the consent in writing of the county council execute any works which affect or interfere with the structural works of the said bridge. If with such consent as aforesaid the Promoters intend to execute such works they shall give notice in writing to the county council of such intention :
- (3) Any works under this section in so far as they affect or interfere with the structural works of the said bridge shall if the county council so require be executed by the county council at the reasonable expense of the Promoters. The county council shall give notice accompanied in each case by sufficient plans and specifications to the Promoters of their intention so to execute such works and shall commence execute and complete the same with all reasonable despatch. Provided that unless the county council shall give the said notice to the Promoters within twenty-eight days after receiving from the Promoters the notice hereinbefore prescribed the Promoters may themselves subject to the terms of this section proceed to execute the works :
- (4) If the said bridge be altered widened or rebuilt by the county council the county council may require the Promoters to alter the tramways in such manner as the circumstances of the case may reasonably require and shall at the same time send sufficient specifications or other information to show the nature of the alteration required:
- (5) If the county council shall find it necessary for the purpose of this section that the working of the portion of the tramways over such said bridge be wholly or in part stopped or delayed or that the portion of the tramways be wholly or in part taken up or removed and if the county council accordingly give the Promoters twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed as stated in such notice at the expense of the Promoters and under their superintendence if they shall give such superintendence but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramways shall be restored with all possible despatch and in such case the county council shall not be liable to pay compensation in respect of such stoppage delay taking up or removal as aforesaid :

[Ch. cxiii.] *Tramways Orders Confirmation (No. 1)* [5 EDW. 7.]
Act, 1905.

A.D. 1905.

—
*Keighley
Corporation.*

- (6) Notwithstanding anything contained in this section if in consequence of the existence or user of the tramways it becomes necessary that the said bridge should be strengthened the county council shall give notice accompanied by sufficient plans sections and specifications of the intended works to the Promoters and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the county council may recover from the Promoters all moneys reasonably expended by them in the execution thereof :
- (7) The Promoters shall not without the consent in writing of the county council place erect or attach any post or other support for any wire or any " feeder box " on or to the structure of the said bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached :
- (8) The Promoters shall so long as the tramways shall continue to be laid on the said bridge or the approaches thereto pave and keep in repair at their own expense the whole of the carriageway over the said bridge and approaches with such material as the county council may approve :
- (9) Any works to be executed with the consent of the county council affecting the said bridge as herein mentioned shall be executed to the satisfaction of the county council in conformity with such plans sections and specifications as may be approved by them and which shall be submitted to them at least twenty-eight days before the commencement of such works If the county council do not within the said twenty-eight days signify their approval or disapproval of the said plans sections and specifications or their directions in relation thereto they shall be deemed to have approved thereof The Promoters shall pay the reasonable costs incurred by the county council in the superintendence of such works and the inspection of plans sections and specifications as aforesaid :
- (10) If any difference arises between the county council and the Promoters under this section the same shall be determined by the Board of Trade or at the option of the Board shall be referred to the arbitration of a person nominated by the said Board.

Application
of Order of
1903.

6. The provisions of the Order of 1903 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramway and this Order as if the tramway had formed part of the tramways authorised by the Order of 1903.

LEEDS CORPORATION.

A.D. 1905.

Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional Tramways in their City.

Leeds Corporation.

1. This Order may be cited as the Leeds Corporation Tramways Order 1905. Short title.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order:— Incorporation of Acts.

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):

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words " but nothing in this Act contained shall authorise any local authority " to place and run carriages upon such tramways and to demand and " take tolls and charges in respect of the use of such carriages " were omitted from that section.

3. The lord mayor aldermen and citizens of the city of Leeds acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as " the Promoters." Promoters.

4. The Promoters may subject to the provisions of this Order construct and maintain 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 hereinafter described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing places posts poles brackets wires stables carriage-houses engine-houses sheds buildings works and conveniences connected therewith: Construction of tramways.

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 under 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 will be wholly situate within the city and are as follows (that is to say):—

Tramway No. 1 (7 furlongs 7·41 chains in length whereof 7 furlongs 6·41 chains are double line and 1 chain is single line) commencing in Stanningley Road by a junction with the existing tramway in that

[Ch. cxciii.] *Tramways Orders Confirmation (No. 1)* [5 EDW. 7.]
Act, 1905.

A.D. 1905.

Leeds
Corporation.

road at a point 10 yards north-east of the northerly corner of the premises No. 243 Stanningley Road and proceeding into and along Swinnow Road in a south-westerly direction and terminating in that road at the city boundary at a point 8 yards north-west of the northerly corner of the premises No. 2 Hough Side Road :

Tramway No. 1 will be laid as a double line except at the following place in Swinnow Road where it will be single—

From a point 6 yards south-east of the southerly corner of the joiner's shop in Town End Place for a distance of 22 yards measured in a south-westerly direction.

Tramway No. 2 (3 furlongs 4·85 chains in length whereof 3 furlongs 3·99 chains are double line and 0·86 chain is single line) commencing in Stanningley Road by a junction with the existing tramway in that road at a point 11 yards north-east of the north-west corner of the Swinnow Grange Mill and proceeding into and along Swinnow Lane in a south-easterly direction to and terminating in Swinnow Road by a junction with the proposed Tramway No. 1 at a point 10 yards south-west of the intersection of the centre lines of Swinnow Lane and Swinnow Road :

Tramway No. 2 will be laid as a double line except at the following place where it will be single—

In Swinnow Lane from a point 13 yards south-west of the centre of the entrance gate to Swinnow Grange Mill for a distance of 19 yards measured in a south-easterly direction along Swinnow Lane.

For protection
of Great North-
ern Railway
Company.

5. The following provisions for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") shall unless with the previous consent of the Great Northern Company in writing under their common seal apply and have effect:—

- (1) All works by this Order authorised where the same will interfere with any railway of the Great Northern Company shall be constructed and maintained to the reasonable satisfaction of the engineer of the Great Northern Company and according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the Promoters by an arbitrator to be appointed by the Board of Trade upon the application of either party after notice to the other :
- (2) The Promoters shall pay to the Great Northern Company the cost of making good any injury to the Great Northern Company's bridge or the abutments or foundations thereof or to the Great Northern Company's retaining wall or other works in Swinnow Road which may be caused by the lowering of Swinnow Road or the exercise by the Promoters of the powers of this Order :

(3) If any difference shall arise between the Promoters and the Great Northern Company under this section that difference shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party after notice to the other.

A.D. 1905.
 —
Leeds Corporation.

6.—(1) If having regard to the proposed position of the works of the Promoters when considered in relation to the position of the works of the Great Northern Railway Company (hereinafter called "the Great Northern Company") at any point where the wires of the Great Northern Company pass over the tramway it is advisable that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the Great Northern Company should be altered the Great Northern Company may execute any works reasonably necessary for such alteration and the reasonable expenses of executing such works shall be borne by the Promoters.

Danger from breaking or falling wires.

(2) Any question as to whether it is advisable that any alteration should be made in accordance with this section or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work shall unless otherwise agreed be referred to the Board of Trade for their determination or at the option of that Board to the arbitration of a person nominated by that Board.

7. Section 30 (except subsections (1) and (5) thereof) of the Tramways Act 1870 in its application to the tramways undertaking of the Promoters shall have effect with regard to the wires and apparatus of the National Telephone Company as if wires or apparatus laid in a road included wires or apparatus of the National Telephone Company erected or carried over a road or footpath.

Application of section 30 of Tramways Act 1870 to overhead wires of National Telephone Company.

8. The powers and provisions with regard to tramways contained in the Leeds Corporation (Consolidation) Act 1905 shall apply to the tramways by this Order authorised as if they were corporation tramways as defined by section 4 of that Act provided that nothing in this Order shall be deemed to authorise the affixing of posts brackets wires or other apparatus to any house or building without the consent of the owners and occupiers thereof.

Application of provisions of Leeds Corporation (Consolidation) Act 1905 to tramways authorised by this Order.

LIVERPOOL CORPORATION EXTENSIONS.

Order authorising the Mayor Aldermen and Citizens of the City of Liverpool to construct additional Tramways in the said City.

Liverpool Corporation Extensions.

1. This Order may be cited as the Liverpool Corporation Tramways Extensions Order 1905.

Short title.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Incorporation of Acts.

[Ch. cxci.] *Tramways Orders Confirmation (No. 1)* [5 EDW. 7.]
Act, 1905.

A.D. 1905.

—
*Liverpool
Corporation
Extensions.*
Interpretation.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order the same respective meanings Provided that in this Order—

The expression "the tramways" means the tramways and works by this Order authorised or (as the case may be) any part thereof;

The expression "the undertaking" means the undertaking by this Order authorised;

The expression "the Act of 1897" means the Liverpool Corporation Tramways Act 1897;

The expression "the Order of 1900" means the Liverpool Corporation Tramways (Extensions) Order 1900;

The expression "the city" means the city of Liverpool; and

The expression "the corporation" means the mayor aldermen and citizens of the city acting by the council.

Promoters.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters"

Construction
of tramways.

5. The Promoters may subject to the provisions of this Order construct and maintain 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 respectively referred to as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices weighbridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof 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 Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order will be situated wholly within the city and are—

Tramway No. 1 (Townsend Lane) wholly situate in the parish of West Derby commencing in Townsend Lane by a junction with the existing tramway at a point 0·4 chain east from the east side of Abbey Road passing along Townsend Lane and into and terminating in Newhall Lane at a point 0·4 chain east from the east side of Cherry Lane:

Tramway No. 1 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say):—

(A) In Townsend Lane between a point opposite the west side of Bishop Road and a point 0·6 chain west from the west side of Vicar Road;

(B) In Townsend Lane between a point 22 chains west from the division wall of the London and North Western Railway coal

depôt and a point 0·5 chain west from the above-mentioned division wall; A.D. 1905.

(c) In Townsend Lane between a point 2·2 chains west from the centre of the London and North Western railway bridge at Breck Road Station and a point 0·8 chain west from the centre of the same bridge;

*Liverpool
Corporation
Extensions.*

(D) In Townsend Lane between a point 2·7 chains west from the west side of Maiden Lane and a point 1·0 chain west from the west side of Maiden Lane;

(E) In Townsend Lane between a point 2·1 chains south from the south side of Huxley Street and a point 0·4 chain south from the south side of Huxley Street;

(F) In Townsend Lane between a point 0·7 chain west from the west side of Larkhill Lane and a point opposite the east side of Cherry Lane:

Tramway No. 1 will be 6 furlongs and 1·5 chains in length of which 1 furlong and 3·1 chains will be double line and 4 furlongs and 8·4 chains single line.

Tramway No. 2 (Hall Lane &c.) wholly situate in the parish of West Derby commencing in Prescott Street by a junction with the existing tramways at a point opposite the south-west side of Hall Lane passing along Hall Lane Towerlands Street and Holland Place and terminating in Wavertree Road by a junction with the existing tramways at a point opposite the east side of Holland Place:

Tramway No. 2 will be laid as a double line except between the points hereinafter specified where it will be laid as a single line (that is to say):—

In Towerlands Street between a point 0·1 chain south-east from the south side of Edge Lane and a point 1·1 chains north from the north side of Church Mount:

Tramway No. 2 will be 3 furlongs and 6·7 chains of which 3 furlongs and 3 chains will be double line and 3·7 chains single line.

Tramway No. 2A (junction to Tramway No. 2) wholly situate in the parish of West Derby commencing in Hall Lane by a junction with Tramway No. 2 at a point 1 chain south-east from the south side of Prescott Street passing into Kensington and terminating in Kensington by a junction with the existing tramway at a point 0·8 chain east from the north-east side of Hall Lane:

Tramway No. 2A will be 1·8 chains in length and will be double line throughout.

Tramway No. 3 (Rathbone Road) partly situate in the parish of West Derby and partly in the parish of Wavertree commencing by a junction with Tramway No. 4 at a point in Saint Oswald Street 0·9 chain south-west from the south-west side of Springfield Street passing into and along Rathbone Road and into and terminating in

[Ch. cxciii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
Act, 1905.

A.D. 1905.

*Liverpool
Corporation
Extensions.*

Picton Road by a junction with the existing tramway in that road at a point 0·3 chain west from the west side of Rathbone Road :

Tramway No. 3 will be laid as a double line except between the points hereinafter specified where it will be laid as a single line (that is to say) :—

(A) In Rathbone Road between a point 3 chains south-west from the south side of Robson Street and a point 2·1 chains north from the north side of the Sandown Park north entrance ;

(B) In Rathbone Road between a point 1 chain north from the north side of the Sandown Park north entrance and a point opposite the south side of the Sandown Park south entrance ;

(C) In Rathbone Road between a point opposite the north side of Long Lane and a point 1 chain north from the north side of Picton Road :

Tramway No. 3 will be 6 furlongs and 3·4 chains in length of which 2 furlongs and 6·6 chains will be double line and 3 furlongs and 6·8 chains single line.

Tramway No. 4 (Edge Lane and Saint Oswald Street) wholly situate in the parish of West Derby commencing in Hall Lane by a junction with Tramway No. 2 at a point opposite the west side of Empress Road passing thence into and along Edge Lane and Saint Oswald Street and into and terminating in Prescot Road by a junction with the existing tramways at a point opposite the south side of Saint Oswald Street :

Tramway No. 4 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say) :—

(A) In Edge Lane between a point opposite the west side of Empress Road and a point 1·2 chains east from the east side of Durning Road ;

(B) In Edge Lane between a point opposite the east side of Needham Road and a point opposite the east side of Deane Road ;

(C) In Edge Lane between a point 2·5 chains west from the west side of Southbank Road to a point opposite the west side of Southbank Road ;

(D) In Edge Lane between a point 0·5 chain east from the east side of Meliden Road and a point opposite the east side of Milton Road ;

(E) In Edge Lane between a point 1·2 chains east from the east side of Wood Grove and a point 0·2 chain east from the east side of Fletcher Grove ;

(F) In Edge Lane and Saint Oswald Street between a point 1·4 chains east from the east side of Tapley Place and a point 0·3 chain west from the west side of Springfield Street ;

[5 EDW. 7.] *Tramways Orders Confirmation (No. 1)* [Ch. cxciii.]
Act, 1905.

(G) In Saint Oswald Street between a point 0·5 chain east from the east side of Mill Lane and a point 2·5 chains east from the east side of Mill Lane ;

A.D. 1905.

*Liverpool
Corporation
Extensions.*

(H) Also at the junction of Saint Oswald Street with Prescott Road between a point 1·6 chains east of the east side of Rock Street and its junction with the existing tramway in Prescott Road at a point opposite the south side of Saint Oswald Street :

Tramway No. 4 will be 1 mile 7 furlongs and 6·9 chains in length of which 6 furlongs and 1·4 chains will be double line and 1 mile 1 furlong and 5·5 chains single line.

Tramway No. 4A (junction to Tramway No. 4) wholly situate in the parish of West Derby commencing in Saint Oswald Street by a junction with Tramway No. 4 at a point 0·4 chain west from the west side of Broad Green Road curving into and terminating in Prescott Road by a junction with the existing tramways at a point 0·3 chain west from the west side of Saint Oswald Street :

Tramway No. 4A will be 1·4 chains in length and will be double line throughout.

6. In constructing and maintaining the tramways where the same are intended to cross any bridge carrying any road over any railway railway siding or works belonging to the London and North Western Railway Company (hereinafter referred to as "the company") or where the same are intended to pass under any bridge carrying any such railway railway siding or works the following provisions shall have effect :—

For protection
of London and
North Western
Railway Com-
pany.

- (1) Before commencing any works on under or over any such bridge or the approaches thereto of the company the Promoters shall give fourteen days' notice in writing to the company of their intention to execute such works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the intended works :
- (2) The Promoters shall not in any way vary alter or interfere with the structure of any such bridge or of the approaches thereto and in the construction and maintenance of the tramway and works over such bridge and approaches or under such bridge as the case may be the Promoters shall not injuriously affect the said structure :
- (3) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing user or removal of the said tramways and works the company 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 company against all sums

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Act, 1905.

A.D. 1905.

*Liverpool
Corporation
Extensions.*

costs and expenses which they may reasonably pay or be put to in repairing and maintaining so much of the road over such bridge or approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the company may recover from the Promoters all such sums costs and expenses :

- (4) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give to the Promoters one month's notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the said tramway 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 give such superintendence but only for so long as shall be absolutely necessary for effecting such purposes and without the company being 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 :
- (5) In case any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by mechanical power the company shall before effecting the same give to the Promoters fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Promoters who shall also pay to the company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairing lifting or supporting by reason of the existence of the tramways or any of the works connected therewith :
- (6) All works which may be necessary in constructing and maintaining any of the tramways or for working the tramways by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the

company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the company or the Promoters:

A.D. 1905.

*Liverpool
Corporation
Extensions.*

- (7) In the event of any of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge or other work of the company:
- (8) The Promoters shall not commence any works for the purpose of carrying overhead trolley or other wires for the working of the tramways over or under any railway of the company until after one month's notice in writing to the company and the company may on receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over the road along which the tramways are proposed to be laid and replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof or for avoiding danger from the breaking or falling of wires and the expenses reasonably incurred by the company in carrying out the provisions of this subsection shall be repaid to the company by the Promoters on demand:
- (9) If and when the company shall require to repair or paint any such bridge the Promoters shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably required by the said principal engineer of the company as shall not unduly interfere with the traffic on the tramways unless the Promoters shall have previously adopted some other means of protection to workmen which shall have been approved by the said principal engineer:
- (10) Where any of the tramways will pass in front of the entrances to any passenger or goods station of the company no additional crossing passing-place siding junction or other work shall be made for the distance thereon extending in front of the said entrances to such stations and for a length of ten yards at each end of such distance without the consent of the chief engineer of the company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Promoters have no control:
- (11) The Promoters and the company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed:

[Ch. cxcii.] *Tramways Orders Confirmation (No. 1)* [5 EDW. 7.]
Act, 1905.

A.D. 1905.

*Liverpool
Corporation
Extensions.*

(12) Any matter in difference arising between the Promoters and the company or their respective engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section shall be referred to the arbitration of a person nominated by the Board of Trade.

Extending to
this Order cer-
tain provisions
of Order of
1900.

7. The hereinafter mentioned provisions of the Order of 1900 and of the provisions thereby applied shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and undertaking authorised by the Order of 1900 and for the purpose of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order.

The provisions of the Order of 1900 hereinbefore referred to are—

- Section 10 Extending to this Order certain provisions of Order of 1883 :
- Section 12 Cheap fares for labouring classes :
- Section 13 Mechanical power works to be subject to section 30 of Tramways Act 1870 :
- Section 14 Alteration of tramways :
- Section 16 Audit.

Extending to
this Order cer-
tain provisions
of Acts of 1897
and 1902.

8. Section 10 (For protection of Postmaster-General) of the Liverpool Tramways and Electric Supply (Garston Transfer) Act 1902 and the hereinafter mentioned provisions of the Act of 1897 shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised.

The provisions of the Act of 1897 hereinbefore referred to are—

- Section 19 Power to work the undertaking :
- Section 24 Prohibiting the raising of fares on Sundays and holidays :

PART II. Use of mechanical power—except section 35 (For protection of the Postmaster-General).

Attachment of
brackets &c. to
buildings.

9. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.

PUDSEY CORPORATION.

A.D. 1905.

*Order authorising the Mayor Aldermen and Burgesses of the
Borough of Pudsey to construct Tramways in their Borough.*

*Pudsey
Corporation.*

Preliminary.

1. This Order may be cited as the Pudsey Corporation Tramways Order 1905. 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 inconsistent with or expressly varied by this Order. 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: Interpretation.

Provided that in this Order—

The expression "the borough" means the borough of Pudsey in the west riding of the county of York;

The expression "the corporation" means the mayor aldermen and burgesses of the borough acting by the council;

The expression "the tramways" means the tramways and works by this Order authorised or (as the case may be) any part thereof;

The expression "the undertaking" means the undertaking by this Order authorised;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power and the word "engine" includes motor.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Promoters.

5. The Promoters may— Lands.

(A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates;

[Ch. cxciii.] *Tramways Orders Confirmation (No. 1)* [5 Edw. 7.]
Act, 1905.

A.D. 1905.

*Pulsey
Corporation.*

(B) by agreement from time to time purchase 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 may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

Provided that they shall not at any time hold for such purposes more than five 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 appropriated or taken under the powers of this section.

Construction of Tramways.

Construction
of tramways.

6. The Promoters may subject to the provisions of this Order—

(A) construct and maintain 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 hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof ;

(B) erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking :

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 under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order will be wholly situate within the borough and are as follows (that is to say) :—

Tramway No. 1 (5 furlongs 4·94 chains in length whereof 4 furlongs 1·92 chains are single line and 1 furlong 3·02 chains are double line) commencing in the Leeds and Bradford Road at the Leeds city boundary by a junction with the existing tramway of the Leeds Corporation proceeding thence in a westerly direction to Richardshaw

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Lane thence in a southerly direction along Richardshaw Lane and Lidget Hill to and terminating in Lowtown at the intersection of the centre lines of Lowtown and Lidget Hill :

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Tramway No. 1 will be laid as a single line except at the following places where it will be double—

(A) From a point in the Leeds and Bradford Road 25 yards west of the commencement of the tramway to a point in Richardshaw Lane 22 yards south of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane ;

(B) In Richardshaw Lane from a point 31 yards south of the south-eastern corner of the boundary wall of the Baptist Chapel in Richardshaw Lane for a distance of 66 yards measured in a southerly direction ;

(C) In Richardshaw Lane from a point 23 yards south of the south-eastern corner of the block of houses known as New Scarborough for a distance of 66 yards measured in a southerly direction ;

(D) In Lidget Hill from a point 8 yards south of the intersection of the centre lines of Lidget Hill and Cemetery Road for a distance of 66 yards measured in a southerly direction.

Tramway No. 2 (double line 1.44 chains) commencing in the Leeds and Bradford Road by a junction with the existing tramway of the Bradford Corporation in that road at a point 12 yards west of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane proceeding thence in an easterly and southerly direction to and terminating in Richardshaw Lane by a junction with Tramway No. 1 at a point 22 yards south of the intersection of the centre lines of the Leeds and Bradford Road and Richardshaw Lane.

Tramway No. 3 (single line 1.51 chains in length) commencing in Lidget Hill by a junction with Tramway No. 1 at a point 22 yards north of the intersection of the centre lines of Lidget Hill and Lowtown and proceeding thence in a south-easterly direction to and terminating in Lowtown by a junction with Tramway No. 5 at a point 20 yards east of the intersection of the centre lines of Lidget Hill and Lowtown.

Tramway No. 4 (single line 1 chain in length) commencing in Lidget Hill by a junction with Tramway No. 1 at a point 16 yards north of the intersection of the centre lines of Lidget Hill and Lowtown and proceeding thence in a south-westerly direction into and terminating in Church Lane by a junction with Tramway No. 5 at a point 15 yards south-west of the intersection of the centre lines of Lidget Hill and Lowtown.

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Tramway No. 5 (1 mile 6 furlongs 7·42 chains in length whereof 1 mile 3 furlongs 1·14 chains are single line and 3 furlongs 6·28 chains are double line) commencing in Galloway Lane at the boundary of the borough proceeding thence in a southerly and south-easterly direction along Waterloo Road Uppermoor thence along Chapeltown and Church Lane to and terminating in Lowtown at the boundary of the borough at a point 17 yards west of the western corner of the Victoria Hotel :

Tramway No. 5 will be laid as a single line except at the following places where it will be double :—

(A) In Waterloo Road from a point 38 yards south of the commencement of the tramway for a distance of 66 yards measured in a southerly direction ;

(B) In Waterloo Road from a point 38 yards south of the western corner of the block of houses known as Ingham's Terrace for a distance of 66 yards measured in a south and south-easterly direction ;

(C) In Waterloo Road from a point 47 yards west of the western boundary fence of St. James's Church for a distance of 66 yards measured in a north-westerly direction ;

(D) In Waterloo Road from a point 20 yards north-west of the south-western corner of Marsh Hill for a distance of 66 yards measured in a north-westerly direction ;

(E) In Uppermoor from a point 27 yards west of the southern angle of the house known as West House for a distance of 66 yards measured in a south-easterly direction ;

(F) In Chapeltown from a point 54 yards north-west of the north-western corner of the Congregational Chapel for a distance of 70 yards measured in a south-easterly direction ;

(G) In Chapeltown and Church Lane from a point 62 yards south-west of the south-western angle of the grave yard of St. Lawrence's Church for a distance of 66 yards measured in a north-easterly direction along Chapeltown and Church Lane ;

(H) In Church Lane from the point where the western boundary wall of Pudsey Park if produced would intersect the centre line of Church Lane for a distance of 66 yards measured in a north-easterly direction ;

(I) In Church Lane from a point 30 yards south-west of the intersection of the centre lines of Lidget Hill and Lowtown for a distance of 66 yards measured in a south-westerly direction ;

(J) In Lowtown from a point 30 yards north-east of the intersection of the centre lines of Manor House Street and Lowtown for a distance of 66 yards measured in a north-easterly direction ;

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(K) In Lowtown from a point 40 yards west of the intersection of the centre lines of the Lanes and Lowtown for a distance of 66 yards measured in an easterly direction ;

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(L) In Lowtown from the termination of the tramway for a distance of 68 yards measured in a westerly direction.

Tramway No. 6 (single line 2·40 chains in length) commencing at a point in Uppermoor 44 yards north-west of the north-western angle of the Congregational Chapel by a junction with Tramway No. 5 thence proceeding in a southerly direction into and terminating in Greenside by a junction with Tramway No. 7 at a point 10 yards north-east of the north-eastern angle of the Central Hotel.

Tramway No. 7 (1 mile 6 furlongs 5·47 chains in length whereof 1 mile 2 furlongs 9·40 chains are single line and 3 furlongs 6·07 chains are double line) commencing in Chapeltown by a junction with Tramway No. 5 at a point 20 yards east of the north-western angle of the Congregational Chapel proceeding thence in a southerly direction along Greenside thence along Fartown Roker Lane Littlemoor Road and Robin Lane into and terminating in Lowtown at the intersection of Lidget Hill and Lowtown by a junction with Tramway No. 1 at its termination :

Tramway No. 7 will be laid as a single line except at the following places where it will be double :—

(A) In Chapeltown and Greenside from the commencement of the tramway for a distance of 80 yards measured in a southerly direction ;

(B) In Greenside and Fartown from a point 20 yards north of the point where the line of the southern wall of the White Cross Inn if produced would intersect the centre line of Greenside for a distance of 72 yards measured in a south-easterly direction ;

(C) In Fartown from a point 137 yards south-east of the intersection of the centre lines of Carlisle Road and Fartown for a distance of 66 yards measured in a south-easterly direction ;

(D) In Fartown from a point 16 yards north-west of the north-westerly angle of the junction of Fulneck Road with Fartown for a distance of 66 yards measured in a north-westerly direction ;

(E) In Roker Lane from a point 70 yards south-west of the intersection of the centre lines of Roker Lane and Littlemoor Road for a distance of 66 yards measured in a south-westerly direction ;

(F) In Littlemoor Road from a point 30 yards north-west of the intersection of the centre lines of Littlemoor Road and Roker Lane for a distance of 66 yards measured in a north-westerly direction ;

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(G) In Littlemoor Road from a point 286 yards north-west of the intersection of the centre lines of Littlemoor Road and Roker Lane for a distance of 70 yards measured in a north-westerly direction ;

(H) In Littlemoor Road from a point 25 yards south-east of the southern angle of Cliff Mill for a distance of 108 yards measured in a north-westerly direction ;

(I) In Littlemoor Road from a point 22 yards south of the south-eastern angle of the parapet wall of the bridge over the Great Northern Railway for a distance of 68 yards measured in a southerly direction ;

(J) In Robin Lane from a point 200 yards north of the south-eastern angle of the parapet of the said bridge over the Great Northern Railway for a distance of 66 yards measured in a north-westerly direction ;

(K) In Robin Lane from a point 40 yards south-east of the intersection of the centre lines of Manor House Street and Robin Lane for a distance of 66 yards measured in an easterly and southerly direction.

Tramway No. 8 (single line 4.50 chains in length) commencing in Robin Lane by a junction with Tramway No. 7 at a point 12 yards south-east of the intersection of the centre lines of Robin Lane and Manor House Street proceeding thence along Manor House Street into and terminating in Lowtown by a junction with Tramway No. 5 at a point 20 yards north-east of the intersection of the centre lines of Manor House Street and Lowtown.

For protec-
tion of Great
Northern Rail-
way Company.

7. The following provisions for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") shall unless otherwise agreed between the Promoters and the Great Northern Company in writing under their respective common seals apply and have effect :—

- (1) The expression "Great Northern property" where used in this section shall mean any land railway siding work or convenience belonging to the company :
- (2) All works by this Order authorised where the same will be made over or under Great Northern property and will interfere with the same shall be constructed and maintained so as not to interfere unnecessarily with the structure of any bridge or tunnel of the company and in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company (hereinafter called "the engineer") according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the

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Promoters by an arbitrator to be appointed by the Board of Trade Before commencing any such works the Promoters shall give at least fourteen days' notice in writing to the Great Northern Company of their intention to execute the same:

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- (3) If by reason of the construction or user of the tramways over any such tunnel or bridge of the Great Northern Company it becomes necessary to strengthen alter or reconstruct the same the Great Northern Company shall give notice accompanied by sufficient plans and specifications of the intended works of strengthening alteration or reconstruction to the Promoters and may after fourteen days from the date of the notice (or forthwith in case of emergency) proceed with all due dispatch to execute all such works as may be reasonably necessary but in all things at the expense of the Promoters and the Great Northern Company may recover from the Promoters all moneys reasonably expended by them in the execution of such works as aforesaid:
- (4) The Promoters shall not in any manner in the execution maintenance user or repair of any of their works obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Great Northern Company or any traffic thereon:
- (5) The Promoters shall on demand pay to the Great Northern Company the reasonable expense of the employment by the Great Northern Company during the execution or repair by the Promoters under this Order of any work affecting any Great Northern property of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Northern Company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Promoters or their contractors or of any person in the employ of either of them:
- 6' If by reason of the execution user or failure of any of the works of the Promoters or any act or omission of the Promoters or of their contractors or of any person in the employment of the Promoters or of their contractors or otherwise any work of the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Promoters at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the Great Northern Company by the Promoters on demand and the Promoters shall indemnify the Great Northern Company against all losses which the Great Northern Company may sustain and shall pay all costs charges and expenses which the Great Northern Company may be put to or incur by reason of the execution user or failure of any of the works of the

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Promoters or any act or omission of the Promoters or of their contractors or any person in the employment of the Promoters or their contractors or otherwise :

- (7) Any additional expense in the maintenance of any bridge or tunnel occasioned to the Great Northern Company by the construction or user of the tramways shall be borne by the Promoters :
- (8) The protection afforded to the Great Northern Company by this section shall not extend to the case of any interference with the wires lines and apparatus of the Great Northern Company or the currents therein to which the section of this Order of which the marginal note is "Special provisions as to use of electric power" applies but the Great Northern Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled :
- (9) If having regard to the proposed position of the works of the Promoters when considered in relation to the position of the works of the Great Northern Company at any point where the wires of the Great Northern Company pass over the tramways it is advisable that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the Great Northern Company should be altered the Great Northern Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Promoters Any question as to whether it is advisable that any alteration should be made in accordance with this subsection or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work shall be deemed a matter in difference between the Promoters and the Great Northern Company :
- (10) No crossing passing place turnout junction or other work shall be constructed in connection with and (unless otherwise agreed between the Great Northern Company and the corporation or in order to avoid accident) no tramcar or other vehicle used on the tramways shall be permitted to stop upon so much of Tramway No. 1 in Richardshaw Lane as will be situate between a point fifteen yards on the north side of the centre of the entrance to the Great Northern Company's passenger station at Staningley and a point fifteen yards on the south side of the centre of the entrance to the Great Northern Company's goods yard :
- (11) Any matter in difference between the Promoters and the Great Northern Company under this section shall unless otherwise agreed be referred to the arbitration of a person nominated by the Board of Trade.

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8.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge or gauges as may from time to time be determined by the Board of Trade on the application of the Promoters.

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(2) In the event of any of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways so constructed but no engine or carriage used on such tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Gauge and width of carriages.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Provisions as to construction of tramways.

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

Rails of tramways.

11.—(1) 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 substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and roads in good condition.

(2) 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 ratepayers of the borough 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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Tramways to be kept on level of surface of road.

Crossovers to be constructed in certain cases.

Power to make additional crossovers &c. and to alter tramway lines.

Temporary tramways may be made when necessary.

12. If the Promoters or any other 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.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

14.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such crossovers 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 for effecting junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Promoters.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of 30 feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority.

15. 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 Promoters necessary or expedient temporarily to alter

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remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make,

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16.—(1) Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such 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 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 seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any matter in difference between the Promoters and any other person with reference to any of the matters aforesaid shall be referred to the arbitration of a person nominated by the Board of Trade.

17. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

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

Motive Power.

18. 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):—

Provisions as to motive power.

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

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the

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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 electrical power :

(3) The Promoters or any 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 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 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 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.

Mechanical
power works.

19. For the purpose of working the tramways by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

(A) construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences ;

(B) place construct erect lay down make and maintain on above or below the surface of any street or road within the borough posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings ;

(C) with the consent of the owners and occupiers of any houses or buildings within the borough affix to such houses or buildings or maintain brackets wires and apparatus.

Mechanical
power works
to be subject
to Tramways
Act 1870.

20. All works to be executed by the Promoters or their lessees in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the

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provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the borough.

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

Byelaws.

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

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

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

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

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

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

22. 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 byelaws sanctioning a higher rate of speed than that authorised 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 byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

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

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

Special provisions as to use of electric power.

(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

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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 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:
- (4) 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 expenses involved and to the effect thereof upon the commercial prospects of the undertaking:
- (5) 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:
- (6) If any difference arises between the Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways.

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

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For protection
of Postmaster-
General.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:
- (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 the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the 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 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. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration:
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works

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or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :

- (5) 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 :
- (6) 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 any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to 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 :

(11) 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 : A.D. 1905
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Pudsey Corporation.

(12) In this section the expression " the Promoters " includes any person owning working or running carriages over any of the tramways of the Promoters.

Traffic upon Tramways.

25. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels. Traffic upon tramways.

26. The Promoters' lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight. Promoters' lessees not bound to carry animals goods &c.

27. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight. Provisions as to carriage of animals goods &c.

Rates.

28.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile. Passengers' fares.

(2) Provided that the Promoters' lessees may appoint stages upon the tramways not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

29. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days. As to fares on Sundays and holidays.

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

31.—(1) The Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily Cheap fares for labouring classes.

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labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

Rates and
charges for
animals goods
&c.

32. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways 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.

33. 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 and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical re-
vision of rates
and charges.

34. 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 Promoters or by their lessees or by twenty ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee reports that it has been proved to his satisfaction that all or any of the rates or 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 or their lessees.

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Miscellaneous.

35. Notwithstanding anything in the Tramways Act 1870 to the contrary the corporation may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the corporation and the corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the corporation to create or permit a nuisance.

Power to corporation to work tramways.

36. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the corporation be made by the corporation alone.

Regulations.

37.—(1) Subject to the provisions of this Order the Promoters may—

Working agreements.

(A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to—

(i) The construction of the tramways by this Order authorised;

(ii) The formation of junctions between the tramways and the tramways belonging to such person;

(iii) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;

(iv) The supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purposes of such agreement. Provided that no electrical energy shall be supplied or shall continue to be

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supplied by the Promoters under this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person ;

(v) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties ;

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection :

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) In this section the word "tramways" includes light railways and parts of tramways and light railways.

Mortgages to include rents and rates.

38. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order.

Orders &c. of Board of Trade.

39. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an 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.

40. 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.

Audit of accounts.

41. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875.

Protection of local authority.

42. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

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 consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary :

(2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.

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Form and delivery of notices.

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 apply to every such arbitration as if the arbitration were pursuant to a submission.

Provisions as to arbitration.

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 Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order.

Saving for general Acts.

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &C.

<i>Animals.</i>	Per Mile.
	s. d.
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
 <i>Goods and Minerals.</i>	
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways ...	
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

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		Per Mile.
		s. d.
A.D. 1905.	For all sugar grain 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
<i>Pudsey Corporation.</i>	For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein per ton	0 4
	For every carriage of whatever description	1 0

Small Parcels.

		Any Distance.
		s. d.
	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 but not exceeding twenty-eight pounds in weight	0 7
	For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	0 9
	For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit :	

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

For the Carriage of Single Articles of Great Weight.

		Per Mile.
		s. d.
	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 person conveying the same may think fit not exceeding per ton	2 0
	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 person conveying the same may think fit.	

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

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

For a fraction of a ton rates and charges may be demanded and taken according to the number of the 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.

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With respect to all articles except stone and timber the weight shall be determined according to imperial avoirdupois weight. A.D. 1905.

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. *Pulscy Corporation.*

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