

[53 & 54 VICT.]

*Manchester, Middleton, and
District Tramways Act, 1890.*

[Ch. clxx.]



CHAPTER clxx.

An Act to extend the time for completing the Manchester
Middleton and District Tramways. [4th August 1890.] A.D. 1890.

WHEREAS by the Manchester Middleton and District Tramways Act 1885 (herein-after called "the Act of 1885") the Manchester Middleton and District Tramways Company (herein-after called "the Company") were incorporated and were authorised to construct certain tramways :

And whereas by the Manchester Middleton and District Tramways Act 1887 (in this Act called "the Act of 1887") the period limited by the Act of 1885 for the completion of the tramways was extended until the 14th day of August 1888 :

And whereas by the Manchester Middleton and District Tramways Act 1888 (herein-after called "the Act of 1888") the period limited by the Act of 1885 as extended by the Act of 1887 for the completion of the tramways was further extended until the 14th day of August 1889 :

And whereas by the Manchester Middleton and District Tramways Act 1889 (herein-after called "the Act of 1889") the period limited by the Act of 1885 as extended by the Acts of 1887 and 1888 for the completion of the tramways was further extended until the 14th day of August 1890 :

And whereas the Company have entered into a contract for the construction and completion of the tramways but they cannot be completed and opened for traffic within the period now limited for that purpose and it is expedient that such period should be further extended as by this Act is provided :

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

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

[Price 9d.]

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A.D. 1890. 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:—

Short title. 1. This Act may be cited for all purposes as the Manchester Middleton and District Tramways Act 1890.

Incorporation of part of Act. 2. Part II. (extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act and for the purposes of this Act the expression "the railway" in that Act means the works authorised by the Act of 1885.

Extension of time for completing tramways. 3. The time limited for the completion of the tramways authorised by the Act of 1885 is hereby further extended and enlarged until the fourteenth day of August one thousand eight hundred and ninety-one and that time shall be deemed to be the time limited by the Act of 1885 and sections 10 and 107 of that Act shall be read accordingly.

If tramways not completed within extended period powers to cease. 4. If the tramways authorised by the Act of 1885 are not completed within the extended time limited by this Act then on the expiration of that time the powers granted to the Company by the Acts of 1885 1887 1888 1889 and this Act in relation thereto shall cease except as to so much thereof as is then completed.

Restriction on taking houses of labouring class. 5. The Company shall not under the powers of this Act or of any Act as extended by this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

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

6. Notwithstanding anything in the Act of 1885 contained the Company may if so required by the respective local and road authorities construct the tramways by that Act authorised on a gauge of four feet eight and a half inches and notwithstanding anything shown on the deposited plans the Company shall with the consent in writing of the Board of Trade lay the tramways or any part thereof at such a distance from the centre line of the road as the local and road authority of the district may in writing hereafter require:

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Tramways
to be con-
structed as
required by
local autho-
rities.

Provided always that no part of the tramways shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramways except with the consent in writing of a majority exceeding two thirds of the owners lessees and occupiers respectively of the houses shops or warehouses abutting upon the part of the road where such less space shall intervene as aforesaid and such consent may be given either unconditionally or subject to and upon such terms and conditions as may be mutually agreed in writing between such majority of owners lessees and occupiers and the Company:

Provided also that if at any time after the completion of the tramways any house shop or warehouse shall be built upon land abutting upon a part of a road where for a distance of thirty feet or upwards the tramways are so laid that a less space than nine feet six inches intervenes between the outside of the footpath as now existing and the nearest rail of the tramways the owner of any such house shop or warehouse may by notice in writing to be served upon the Company within six months after the erection of the house shop or warehouse require the Company to take up the rails of the tramways at such narrow place and relay the same so that there shall be a space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramways and the Company shall thereupon forthwith comply with the terms of such notice.

7. Subject to the provisions of this Act it shall be lawful for the Company in working their tramways by electricity to work the same by means of the system of electrical traction known as the overhead system or otherwise.

As to work-
ing tram-
ways.

8. Notwithstanding anything contained in the Acts relating to the Company herein-before recited or referred to the following

For the pro-
tection of
the borough
of Middle-
ton.

A.D. 1890. provisions shall from and after the passing of this Act have effect
— (that is to say) :—

1. The Company shall not at any time without the consent of the mayor aldermen and burgesses of the borough of Middleton (herein-after called "the corporation") under their common seal work any of the tramways authorised by the Act of 1885 and therein and herein referred to as "the Middleton tramways" otherwise than by animal power or by electrical traction applied in such form and manner as may be approved by the Board of Trade and the corporation.
2. In the event of the Company with the approval of the corporation adopting the system of electrical traction known as the overhead system for the working of the Middleton tramways or any part thereof the following provisions shall apply thereto :—
 - (a) All posts pillars or other supports to be erected for the purposes of such system within the borough of Middleton and the wires and cables to be affixed thereto or suspended therefrom shall be of such designs and materials and placed in such situations as the corporation shall approve and before commencing any of the works the Company shall submit designs and detailed drawings thereof to the corporation for their approval who shall within one month from the receipt thereof signify their approval or disapproval of the same and in the event of their disapproval the designs and drawings to be adopted shall be settled by the Board of Trade on the application of either party.
 - (b) The wires and cables shall at all times and places within the said borough be placed and maintained at such a height as to leave a clear headway of twenty feet above the roadway and footpath.
 - (c) The strength nature and force of the electric currents used in working the tramways shall be such as not to be dangerous to life or property and as may for the time being be sanctioned by the Board of Trade and the corporation and full particulars and information respecting such currents shall be supplied to the corporation by the Company or any company or persons working the tramways whenever so required.
 - (d) In the case of fire and for any other purpose necessary for the protection of the public or for the exercise or performance of any powers or duties of the corporation the

A.D. 1890.
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corporation or any of their officers or servants may at any time cut or unfasten any of the wires or cables of the Company or remove any of their posts pillars or supports without liability to the Company for any consequences thereof and the same shall be repaired and reinstated by the Company at their own expense.

(e) It shall be lawful for the corporation to use the posts pillars and supports of the Company for the purpose of affixing lamps or fittings for all public lighting or fixing fire alarms or electric wires or otherwise to utilise the same for all purposes which they may think useful or convenient and which are not inconsistent with the use of the same for the purposes of the Company.

(f) If at any time or times after the expiration of two years from the time when any of the Middleton tramways shall commence to be worked by any overhead system of electrical traction the corporation shall be of opinion that the system at the time in operation is dangerous or inconvenient or an annoyance to the public then and on each such occasion the Company shall on request by the corporation and within a reasonable time modify such system so as to remove any such danger inconvenience or annoyance and if the Company fail within three months after such request so to modify the system to the satisfaction of the corporation then the corporation may require the Company to abandon such system and remove the posts pillars supports wires cables and other works thereof and adopt some other authorised system of traction.

3. Except as herein-before otherwise provided all the provisions of the Act of 1885 and other Acts herein recited or referred to in favour of affecting or applying to the Middleton and Tonge Improvement Commissioners or to the district of those commissioners or the Middleton tramways shall be read and have effect as if instead of such commissioners and district the corporation and the borough of Middleton respectively had been therein named or referred to and except as aforesaid nothing herein contained shall prejudice alter or affect such provisions.

4. All costs and expenses incurred by the corporation in connexion with or incident to the negotiations between them and the Company in relation to this Act or to any agreement or arrangement between them and the Company shall be paid

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by the Company to the corporation within six months after the passing of this Act.

For the protection of
the Chadderton Local
Board.

9. Notwithstanding anything contained in the Acts relating to the Company herein-before recited or referred to the following provisions for the protection of the Chadderton Local Board (hereinafter called "the board") shall from and after the passing of this Act have effect (that is to say):—

1. The Company shall not at any time without the consent of the board under their common seal work any of the tramways within the district of the board otherwise than by animal power or by electrical traction applied in such form and manner as may be approved by the Board of Trade and the board.
2. In the event of the Company with the approval of the board adopting the system of electrical traction known as the overhead system for the working of the tramways or any part thereof the following provisions shall apply thereto:—
 - (a) All posts pillars or other supports to be erected for the purposes of such system within the said district and the wires and cables to be affixed thereto or suspended therefrom shall be of such designs and materials and placed in such situations as the board shall approve and before commencing any of the works the Company shall submit designs and detailed drawings thereof to the board for their approval who shall within one month from the receipt thereof signify their approval or disapproval of the same and in the event of their disapproval the designs and drawings to be adopted shall be settled by the Board of Trade on the application of either party.
 - (b) The wires and cables shall at all times and places within the said district be placed and maintained at such a height as to leave a clear headway of twenty feet above the roadway and footpath except at those points where such a headway would be impracticable.
 - (c) The strength nature and force of the electric currents used in working the tramways shall be such as not to be dangerous to life or property and as may for the time being be sanctioned by the Board of Trade and the board and full particulars and information respecting such currents shall be supplied to the board by the Company or any company or persons working the tramways whenever so required.

(d) In the case of fire and for any other purpose necessary for the protection of the public or for the exercise or performance of any powers or duties of the board the board or any of their officers or servants may at any time cut or unfasten any of the wires or cables of the Company or remove any of their posts pillars or supports without liability to the Company for any consequences thereof and the same shall be repaired and reinstated by the Company at their own expense. A.D. 1890.

(e) It shall be lawful for the board to use the posts pillars and supports of the Company for the purpose of affixing lamps or fittings for all public lighting or fixing fire alarms or electric wires or otherwise to utilise the same for all purposes which they may think useful or convenient and which are not inconsistent with the use of the same for the purposes of the Company.

(f) If at any time or times after the expiration of two years from the time when any of the tramways within the said district shall commence to be worked by any overhead system of electrical traction the board shall be of opinion that the system at the time in operation is dangerous or inconvenient or an annoyance to the public then and on each such occasion the Company shall on request by the board and within a reasonable time modify such system so as to remove any such danger inconvenience or annoyance and if the Company fail within three months after such request so to modify the system to the satisfaction of the board then the board may require the Company to abandon such system and remove the posts pillars supports wires cables and other works thereof and adopt some other authorised system of traction.

3. Section 112 of the Act of 1885 shall be read and have effect as if six years had been mentioned therein instead of three years so far as the same relates to the purchase of land by the board.

10. Section 77 of the Act of 1885 is hereby repealed and instead thereof in the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect:— Provisions
for protec-
tion of the
Postmaster
General.

1. The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from

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time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

2. (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company 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 Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work.
- (b) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration.
3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company 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.
4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy

the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

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5. 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.
6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.
7. The expression electric line has the same meaning in this section as in the Electric Lighting Act 1882.
8. Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.
9. Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

11. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or

Provision as
to general
tramway
Acts.

A.D. 1890. — any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the Act of 1885.

Costs of
Act.

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

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