



CHAPTER clii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Great Grimsby Street Tramways Extension Huddersfield Corporation Tramways Morecambe Urban District Council Tramways Perth and District Tramways (Extensions) and Stirling and Bridge of Allan Tramways Extension. A.D. 1897.
[6th August 1897.]

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 :

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act 1897. Short title.

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

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Protection
of houses
of labouring
class.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

SCHEDULE.

LIST OF ORDERS.

GREAT GRIMSBY STREET TRAMWAYS EXTENSION.—Order authorising the Great Grimsby Street Tramways Company to construct an additional Tramway in the hamlet of Gleethorpes in the parish of Old Clee in the county of Lincoln and to confer further powers upon the Great Grimsby Street Tramways Company and for other purposes.

HUDDERSFIELD CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct Tramways in the said Borough.

MORECAMBE URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Morecambe to construct Tramways in their District and for other purposes.

PERTH AND DISTRICT TRAMWAYS (EXTENSIONS).—Order authorising the Perth and District Tramways Company Limited to construct Extension Tramways in the City and Burgh of Perth.

STIRLING AND BRIDGE OF ALLAN TRAMWAYS EXTENSION.—Order authorising the construction of a Tramway from Stirling to St. Ninians in the county of Stirling.

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
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GREAT GRIMSBY STREET TRAMWAYS EXTENSION.

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Order authorising the Great Grimsby Street Tramways Company to construct an additional Tramway in the hamlet of Cleethorpes in the parish of Old Clee in the county of Lincoln and to confer further powers upon the Great Grimsby Street Tramways Company and for other purposes.

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1. This Order may be cited as the Great Grimsby Street Tramways Extension Order 1897. Short title.

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

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

The expression "the Act of 1879" means the Great Grimsby Street Tramways Act 1879 :

The expression "the Order of 1886" means the Great Grimsby Street Tramways Extension Order 1886 :

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

The expression "the Promoters' tramways" means the tramways authorised by the Act of 1879 the Order of 1886 and this Order.

Promoters.

4. The Great Grimsby Street Tramways Company incorporated by the Act of 1879 shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes 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 taken under the powers of this section. Lands by
agreement.

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 Vict.]
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Power to apply
existing funds.

6. The Promoters may from time to time apply towards any of the purposes of this Order being purposes to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Act of 1879 and which are not required for the purposes of the said Act to which such moneys are made applicable.

Construction of Tramway.

Construction
of tramway.

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

The tramway authorised by this Order is—

Tramway No. 1 wholly in the hamlet of Cleethorpes and parish of Old Clee in the county of Lincoln 3 furlongs 3·80 chains in length commencing in Cleethorpes Road by a junction with the existing tramway at its termination and passing thence into and along Isaacs Hill High Street and Alexandra Road and terminating in the last-mentioned road at its junction with Albert Road.

Tramway No. 1 will be a double line throughout except for a distance of 50 links or thereabouts from its termination at which it will be a single line.

Application of
provisions as
to construction
of tramway.

8. Sections 8 to 13 inclusive and sections 15 and 16 of the Order of 1886 (relating to the construction of tramways) shall apply to the tramway by this Order authorised in like respect as if they were herein re-enacted and in the construction of the said provisions for the purposes of such application the expression "the tramways" shall mean the tramway by this Order authorised and the expression "this Order" shall mean this Order.

Additional
crossings &c.
may be made
where
necessary.

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

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three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

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10. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

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

Motive Power.

11. The carriages used on the tramway may be moved by animal power but the Promoters and any other persons for the time being working the Promoters' tramways may subject to the provisions of this Order and with the consent of the Board of Trade use electrical power (either by the overhead system or otherwise) for moving carriages on all or any of the Promoters' tramways Provided always that the exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to the regulations set forth in the schedule to this Order and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of electrical power Provided also that electrical power shall not be used under the authority of this Order within the borough of Great Grimsby without the consent of the corporation of Great Grimsby.

Animal or electrical power may be used.

12. The Promoters and any other persons for the time being working the Promoters' tramways shall use on the tramways which under the provisions of this Order are worked by electrical power such system only of electrical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Promoters or such other persons to cease to use such system and the Promoters or such other persons shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

System of electrical power to be approved by Board of Trade.

13. The Promoters may subject to the provisions of this Order construct lay down place erect maintain renew and repair all such engines cables electric mains wires posts plates tubes grooves rails batteries dynamos accumulators apparatus machinery works and appliances as may be requisite or necessary for the purpose of the working by electrical power of any tramways which in accordance with the provisions of this Order it may for the time being be lawful to work by electrical power and may for that purpose subject to the restrictions and provisions of this Order open and break up any road in which the tramways so to be worked by electrical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that all such works shall for all purposes of Part II. of the Tramways Act 1870 be deemed to be works of a tramway Provided also that if the

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

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A.D. 1897. overhead system of electrical power shall be used by the Promoters the posts erected by the Promoters—

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(a) shall not be used for the purposes of advertising ;

(b) within the district of the Cleethorpes-with-Thurnscoe Urban District Council shall be of such design and of such material other than wood as shall be approved by the said Council :

Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them under the powers in this section contained.

Agreements
with road
authorities.

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

Penalty for
using electrical
power con-
trary to Order.

15. If the Promoters or any other persons using electrical power on any of the Promoters' tramways which are by this Order authorised to be worked by electrical power use the same contrary to the provisions of this Order or to any of the regulations set forth in the schedule to this Order or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject 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 continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or such other persons using electrical power on such tramways have made default in complying with the provisions of this Order or with any of the regulations set forth in the schedule to this Order or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such other persons as the case may be to cease to exercise the powers aforesaid and thereupon the Promoters or such other persons as the case may be shall cease to exercise the powers aforesaid and shall not again exercise the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

16. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any electrical power may be used under the authority of this Order for all or any of the following purposes (that is to say) :—

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

For providing that carriages and trucks 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 :

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For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere. A.D. 1897.
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Any person offending against or committing a breach of any of the bye-laws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

17. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order. As to recovery
of penalties.

18. 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 tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed on any tramways by this Order authorised to be worked by electrical power than that authorised by this Order or by any regulation or byelaw made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on such tramways but the local authority may if they think fit make bye-laws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed. Amendment of
the Tramways
Act 1870 as to
byelaws by
local authority.

19. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or assistant secretary of the Board of Trade 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. Orders and
byelaws.

20. The following provisions shall apply to the use of electrical power under this Order on any of the Promoters' tramways unless such power is entirely contained in and carried along with the carriages:— As to use of
electrical
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 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 :
- (3.) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as " the prescribed regulations ") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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

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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 using electrical power contrary to the provisions of this section or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this section shall for every such offence be subject to the penalty prescribed by the section of this Order of which the marginal note is "Penalty for using electrical power contrary to Order" but nothing in this Order shall render the Promoters liable to a double penalty for the same offence Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electrical power under the authority of this section have made default in complying with the provisions of this section or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Promoters and any other party with respect to anything in this sub-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

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determination shall be in the discretion of the Board or of the arbitrator as the case may be:

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- (6.) The expression "the Promoters" in this section shall include any persons owning working or running carriages over the Promoters' tramways.

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21. In the event of any tramways of the Promoters being worked by electricity the following provisions shall unless such power is entirely contained in and carried along with the carriages have effect:—

For protection
of the
Postmaster-
General.

- (1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:
- (2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:
- (b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration:
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which

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such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if 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 :
- (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the company by indictment action or otherwise in relation to any of the matters aforesaid :
- (11.) In this section the expression "the Promoters" includes any person owning working or running carriages on any of the Promoters' tramways and the provisions of this section shall so far as relates to the Promoters extend to any tramways or undertaking for the time being worked by the Promoters.

Traffic and Tolls.

Applying
provisions of
Act of 1879 as
to tolls and
traffic.

22. The tramway by this Order authorised shall for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Act of 1879 and the

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Order of 1886 and sections 47 to 52 (both inclusive) of the Act of 1879 shall as far as the same are applicable apply to the tramway by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner and in every respect as if the tramway by this Order authorised formed part of the tramways authorised by the Act of 1879 and for the purposes of such application the expressions "the tramways" and "the company" in the said sections shall be construed to mean respectively the tramway as defined by this Order and the Promoters :

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Provided that notwithstanding anything in the Act of 1879 the Order of 1886 or this Order contained—

(a) the tolls and charges to be taken for a passenger travelling on the Promoters' tramways a distance not exceeding two miles shall not exceed twopence ;

(b) the Promoters shall not be bound to carry any parcels on the Promoters' tramways.

23. It shall not be lawful for the Promoters or any other person working or using the Promoters' tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to fares
on Sundays
and holidays.

24. The Promoters shall so work the traffic on the tramway through High Street and the portion of Alexandra Road between High Street and the north corner of the Dolphin Hotel that carriages travelling in opposite directions shall not pass each other except (a) at the junction of Isaacs Hill and High Street (b) between Cross Street and Osborne Street and (c) at the eastern end of High Street.

Carriages not
to pass at
certain places.

Miscellaneous.

25. In the event of the local authority determining in accordance with the provisions of section 43 of the Tramways Act 1870 to purchase the Promoters' tramways or any part thereof which may for the time being be worked by electrical power they shall at the same time if so required by the Promoters purchase all engines dynamos batteries accumulators mains wires cables posts plates and other apparatus works and appliances of the Promoters suitable to and used by them for the purposes of the tramways so purchased or of any other tramways within the district of the local authority for the time being worked by the Promoters in connexion with the tramways so purchased.

As to purchase
by local
authority of
electrical
plant.

26. The Promoters may from time to time accept and take from any local authority of any district in which any tramway belonging to the Promoters is situate or of any district adjacent thereto a lease or leases of any tramway owned by such local authority and all lands works and property connected therewith on such terms and conditions and for such period as may be agreed between such authority and the Promoters and during the continuance and subject to the terms and conditions of any such lease the Promoters may work maintain and use the tramway and works and property connected therewith thereby leased and may demand take and recover in respect of such tramway

Promoters may
take a lease of
tramways
from local
authorities.

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A.D. 1897. tolls fares and charges not exceeding the tolls fares and charges authorised to be taken upon such tramway by the Acts or Orders relating to or regulating the same respectively.

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Applying
certain pro-
visions of the
Order of 1886.

27. Sections 21 to 24 inclusive of the Order of 1886 (relating respectively to "form and delivery of notices" "agreements between Promoters and road authority" "approval of Board of Trade to sale &c. to be in writing" and "saving as to powers of borrowing on mortgage") shall apply in and for the purposes of this Order as if they were herein re-enacted and for the purposes of such application the expressions "the tramways" "the undertaking" and "this Order" in the said provisions shall mean respectively the tramway and the undertaking by this Order authorised and this Order.

Provisions as
to arbitration.

28. Where under the provisions of the Tramways Act 1870 and the Act of 1879 the Order of 1886 or this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 20 of the Order of 1886 is hereby repealed.

Saving for
general Acts.

29. Nothing in this Order contained shall exempt the Promoters or any person using the Promoters' tramways or the Promoters' tramways from the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order or from any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power electrical power or any mechanical power by any such general Act as aforesaid.

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Act, 1897.

THE SCHEDULE.

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As to fittings
of carriages &c.

Every carriage used on the Promoters' tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown :

With such mechanical appliances for preventing the motive power from operating and for bringing such carriage to a stand as the Board of Trade may from time to time think sufficient :

With a suitable fender to push aside obstructions :

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such carriage so placed in front of such carriage as to command the fullest possible view of the road before him.

Every carriage used on the Promoters' tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery used for propelling such carriage.

As to
carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any carriage used on the Promoters' tramways and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such carriage which in their opinion may not be safe for use on such tramways.

Inspection o
carriages.

The speed at which carriages may be driven or propelled along the Promoters' tramways shall not without the consent of the Board of Trade exceed the rate of eight miles an hour.

As to speed.

The speed at which carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

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HUDDERSFIELD CORPORATION TRAMWAYS.

Huddersfield.

Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct Tramways in the said Borough.

Short title.

1. This Order may be cited as the Huddersfield Corporation Tramways Order 1897.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

The expression "the Act of 1880" means the Huddersfield Improvement Act 1880.

The expression "the Act of 1882" means the Huddersfield Corporation Act 1882.

The expression "the Act of 1890" means the Huddersfield Tramways and Improvement Act 1890.

The expression "the existing tramways" means all the tramways now in existence which were constructed under the authority of the Act of 1880 the Act of 1882 and the Act of 1890 or any of such Acts.

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

The expression "the undertaking" means the undertaking authorised by the Act of 1880 the Act of 1882 and the Act of 1890 and this Order.

The expression "mechanical power" includes steam power compressed air gas or oil and haulage by means of wire or rope cables placed underground and worked by stationary engines and electric energy applied by means of accumulators and motors in the engines or carriages or trucks or generated at stations and communicated by means of electric lines either in or under the ground or overhead.

The expression "the borough" means the county borough of Huddersfield.

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

The Promoters.

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

Lands by agreement.

5. The Promoters may appropriate and use for the purposes of the undertaking any lands not dedicated to public use now vested in them and forming part of their corporate estates and they may also by agreement from time to time purchase take on lease and acquire for the purposes of the

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undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking Provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

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6. Subject to the provisions of this Order the Promoters may make form lay down work use and maintain wholly within the borough the tramways herein-after described in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (in this Order referred to respectively as "the deposited plans" and "the deposited sections") and in all respects in accordance with those plans and sections with all such rails junctions crossing places turn-outs plates tubes channels offices weighbridges turntables power stations engine-sheds stables carriage-houses works mechanical appliances plant and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the existing tramways.

Construction
of tramways.

The tramways authorised by this Order are—

Tramway Number 6 (1 furlong 8.86 chains in length) a single line commencing in John William Street by a junction with the existing Corporation Tramway about twenty-seven yards north of Brook Street passing thence along or over Viaduct Street and terminating in Northgate by a junction with the existing Corporation Tramway about thirty yards south of the Lancashire and Yorkshire and London and North Western Railway Companies' Viaducts.

Tramway Number 7 (1 furlong 2.54 chains in length) a single line commencing in Leeds Road north by a junction with the existing Corporation Tramway at the junction of Oak Road with that road passing thence along or over Oak Road and Bradley Road and terminating in Bradley Road at a point about fifty-six yards east of the south-east boundary wall of Bradley School.

Tramway Number 8 (.64 chain in length) a single line wholly in the township of Lockwood commencing in Meltham Road by a junction with the existing Corporation Tramway about forty yards south-west of the Lancashire and Yorkshire Railway Company's Viaduct passing thence along or over the said Meltham Road and terminating in that road about fifty-two yards south-west of the said viaduct.

Tramway Number 9 (3.84 chains in length) a single line wholly in the township of Dalton commencing in Wakefield Road by a junction with the existing Corporation Tramway at the junction of Penistone Road with that road passing thence along or over Penistone Road and terminating in Penistone Road at a point about eighty-three yards east of the junction of the aforesaid road.

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Tramway Number 10 (2·67 chains in length) a single line partly in the township of Huddersfield and partly in the said township of Lockwood commencing in Thornton Road in the said township of Huddersfield by a junction with the existing Corporation Tramway about sixty-six yards south-west of the junction of that road with Manchester Road passing thence along or over Longroyd Bridge and terminating in St. Thomas' Road in the said township of Lockwood about ten yards east of the junction of the said St. Thomas' Road and Longroyd Bridge.

Tramway Number 11 (3 furlongs 3·82 chains in length) a single line commencing in Leeds Road by a junction with the existing Corporation Tramway about sixteen yards north of Beaumont Street passing thence along or over Beaumont Street Great Northern Street Hill House Lane and a private road leading from Hill House Lane to the works of the Brighouse Brick and Tile Company and to the Hill House Sanitary Dépôt Yard of the corporation and terminating in that yard by a junction with the existing Corporation Tramway.

Tramway Number 11A (1·09 chains in length) a single line commencing in Leeds Road by a junction with the existing Corporation Tramway about fifteen yards south of Beaumont Street passing thence along or over Beaumont Street and terminating in that street by a junction with the said Tramway Number 11 about fourteen yards west of Leeds Road.

Provided that Tramway Number 7 shall be so laid that not less than nine feet and six inches shall intervene between the kerb of the footway on either side of the said road and the nearest rail of the tramway at any point.

For the pro-
tection of the
corporation of
Wakefield.

7. In constructing Tramway Number 7 by this Order authorised the following provisions for the protection of the corporation of Wakefield shall have effect (that is to say):—

(1.) Before commencing to in any way alter or interfere with any of the water mains or pipes and valves of the corporation of Wakefield the Promoters shall give reasonable notice thereof in writing to the corporation of Wakefield together with plans and sections of the proposed works and the works consequent upon such alteration or interference shall be carried out to the approval of and under the superintendence and control of the corporation of Wakefield or their engineer. The corporation of Wakefield shall approve or disapprove of such works as aforesaid within fourteen days after receipt of the notice required by this section and if they do not approve or disapprove within that period then at the end of that period they shall be taken to have approved.

(2.) The works shall be so constructed as not to cause damage to the said water mains or pipes and valves and if at any time hereafter any damage be in any manner caused to such water mains or pipes or

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valves in consequence of the execution of the said works all loss costs damage and expenses which the corporation of Wakefield may incur or be put unto in respect thereof shall be paid to them by the Promoters.

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(3.) No works shall be constructed so as to prevent the corporation of Wakefield having sufficient and convenient access to the said water mains or pipes and valves for the purpose of reparation and renewal as the same at present exist.

(4.) The Promoters shall and will at all times afford to the corporation of Wakefield their servants and workmen facilities for carrying out any works of reparation and renewal of the said water mains or pipes and valves and for that purpose will whenever thereunto required by the corporation of Wakefield take up so much of the said tramway and other works connected therewith belonging to them as may be necessary and such works of reparation and renewal shall be carried out by the corporation of Wakefield with the utmost despatch.

8. For the protection of Sir John William Ramsden Baronet and his sequels in estate (herein-after referred to as and included in the expression "the owner") the following provisions shall have effect (that is to say):—

For the protection of Sir John William Ramsden Baronet.

(1.) Notwithstanding anything in this Order or shown on the deposited plans the Tramway Number 11 between the junction of Great Northern Street with Hill House Lane and the termination of that tramway as shown on the deposited plans shall be constructed only in accordance with the plan signed by Frederick Watson Beadon on behalf of the owner and Frederick Charles Lloyd on behalf of the corporation and the corporation may subject to the approval of the Board of Trade deviate the line of the said tramway in accordance with such plan or in such other manner as may be agreed upon between them and the owner.

(2.) The owner shall permit the corporation to lay down and subject to the provisions of this section maintain and work the said tramway in the line aforesaid over the vacant land at the corner of Great Northern Street and along the private road shown on the deposited plans Provided that if at any time the owner by notice in writing requires the corporation to deviate the said tramway upon the said road and vacant land or to take up and remove the portion of tramway situate thereon the corporation shall in case of a notice to deviate within three months and in case of a notice to take up and remove within twelve months of receipt of such notice deviate or take up and remove the said tramway as the case may be and make good the aforesaid vacant land and private road to the satisfaction of the owner Provided always that such deviation shall in each case be subject to the approval of the Board of Trade.

(3.) For the purpose of the application of the provisions of Parts II. and III. of the Tramways Act 1870 and of this Order the said vacant land and private road shall be deemed to be a road within the meaning of that Act and the owner to be the road authority in respect of such road.

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- (4.) As rent for the easement or right of using the said vacant land and private road for the purposes of the tramway the corporation shall pay to the owner on the first day of January in the year one thousand eight hundred and ninety-eight and in each subsequent year until they remove the said tramway in accordance with the notice the sum of two pounds.
- (5.) The corporation shall pay to Joseph Land (the lessee of property at the corner of Hill House Lane) or his sequels in title compensation for any loss and injury which may be caused or sustained by reason of the construction and working of the said tramway the amount thereof in case of dispute to be settled by arbitration in manner provided by the Lands Clauses Acts as by this Order incorporated for determining questions of disputed compensation.
- (6.) The owner and the corporation may agree in writing any alteration or variation of the provisions of this section subject in each case to the approval of the Board of Trade.

For protection
of the London
and North
Western
Railway
Company.

9. In constructing and maintaining any pipes and excavations under the existing and authorised tramways of the Promoters in order to lay use or maintain cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such cables or apparatus in any place where such tramways cross any railway tunnel or bridge carrying any road over any railway or canal of the London and North Western Railway Company (herein-after called "the Railway Company") the following provisions shall be in force and have effect and be binding upon the Promoters and their successors and assigns :

- (A) The Promoters shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such cables and apparatus over such tunnel or bridge and the approaches thereto as not injuriously to affect the same :
- (B) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such cables and apparatus the Railway Company may at the expense of the Promoters restore such tunnel bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such tunnel bridge and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the Railway Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable :
- (C) All works which may be necessary in constructing laying and maintaining any of the said cables or apparatus over any railway tunnel bridge works or other property of the Railway Company 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 Railway

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Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the Railway Company or the Promoters.

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10. The following provisions of the Act of 1880 (that is to say) sections 18 to 20 inclusive 22 and 24 to 41 inclusive and section 15 of the Act of 1890 shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Act of 1880 and the Act of 1890 respectively and for the purposes of such application the expressions "the tramways" and "this Act" in the said provisions shall be construed to respectively include the tramways as defined by this Order and this Order.

Extending to this Order certain provisions of the Acts of 1880 and 1890.

11. The Promoters in any street or road within the borough in which by virtue of the provisions of this Order or any Act a double line of tramway has been laid down or authorised may with the consent of the Board of Trade in writing in lieu thereof lay down a single or an interlacing line of tramway.

Power to lay single or interlacing lines in place of double.

The Promoters may also with such consent as aforesaid alter the position of the tramways in any such street or road provided that if the space authorised between the outside of the footpath and the nearest rail be in any case less than ten feet six inches the space between such footpath and the altered rail shall not be less than the space authorised.

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

As to rails of tramways.

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

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

14. The Promoters may construct lay down execute and maintain in on or under the surface of any road in or on which the tramways are authorised all such rails grooves channels tubes passages mains plates wires ropes cables chains engines machinery or apparatus and also all such openings or ways in or under any such surface as may be necessary or expedient either for the working of the tramways by steam cable electrical or mechanical power or for working any such wires ropes cables chains or apparatus and such manholes or other means for providing access to or in connexion with any engines or machinery used for the purposes aforesaid provided that all powers restrictions and provisions relating to the construction and maintenance of the tramways under or by virtue of this Order shall apply and have effect with regard to the construction execution and maintenance of such works and things as aforesaid.

Promoters may lay down and maintain works necessary for using steam cable electrical or mechanical power.

15. The Promoters may from time to time make maintain alter or remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or any of them or for affording access to any stables engine-houses carriage-houses

Additional crossings &c. may be made where necessary.

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sheds sanitary depôts and works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

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

16. 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.

Motive Power.

Carriages may
be moved by
animal elec-
trical or other
mechanical
power.

17. The carriages used upon the undertaking may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade by any form of mechanical power specially approved by the Board of Trade in writing.

Provided always that the exercise of the powers hereby conferred with respect to the use of any mechanical power shall be subject to the regulations set forth in the schedule to this Order annexed and to any regulations (herein-after called "the prescribed regulations") which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any mechanical power on the tramways or the existing tramways.

Sections 16 and 17 of the Act of 1880 and the First Schedule to that Act annexed are hereby repealed.

Power to place
poles wires &c.

18. Subject to the provisions of this Order the Promoters may place and maintain in on or over any road in on or over which any of the tramways may be laid such poles and overhead electric wires as may be necessary and proper for working such tramways by electric power.

Provided that before placing such poles or wires the Promoters shall lay before the Board of Trade a plan showing the position of every such pole and wire and shall not commence the erection thereof until such plan shall have been approved by the said Board and all such poles and wires shall be placed and erected in accordance with the plan so approved.

Penalty for
using steam
cable electrical
or mechanical
power contrary
to Order or
regulations.

19. If the Promoters or any company or person shall use mechanical power on any of the tramways contrary to the provisions of this Order or to any of the regulations set forth in the schedule to this Order annexed or to any of the prescribed regulations they shall for every such offence be subject to a penalty not exceeding ten pounds and also in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof Provided

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always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any company or person using mechanical power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the schedule to this Order annexed or with any of the prescribed regulations or in case the said Board is satisfied that the use of such power cannot be continued without danger may by order direct the Promoters or such company or person to cease to exercise the powers aforesaid and thereupon the Promoters or such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

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20. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be in writing and signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed shall be deemed to have been duly made or given in accordance with the provisions of this Order and to be orders and regulations within the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Orders and
byelaws to be
signed &c.

Section 21 of the Act of 1880 is hereby repealed.

21. The following provisions shall apply to the use by the Promoters of electric power upon any of the tramways or of the existing tramways unless such power is entirely contained in and carried along with the carriages:—

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 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.
- (3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with the regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added

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thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject 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 continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously 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. Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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. If any difference arises between the Promoters and any other party with respect to anything in this sub-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.

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(6.) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning working or running carriages over any of the tramways. A.D. 1897.
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22. In the event of any of the tramways or of the existing tramways being worked by electricity the following provisions shall have effect:— For protection of the Postmaster-General.

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or worked their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alteration in or addition to their system which may be directed by the arbitrator.

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

(3.) (a.) Before any electric line is laid down or any act or work for working the tramways or the existing tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

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- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reasons for doing or executing the same without previous notice.
- (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if 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.
- (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were Undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 31 and 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.
- (11.) In this section the expression "the Promoters" includes their lessees and the licencees and any person owning working or running carriages on any of the tramways or of the existing tramways.

Section 13 of the Act of 1890 is hereby repealed.

Tolls and Traffic.

Tramways for purposes of tolls to form part of tramways authorised by Acts of 1880 1882 and 1890.

23. The tramways may be used for the conveyance of passengers animals goods minerals and parcels and shall for the purposes of the tolls rates and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Act of 1880 the Act of 1882 and the Act of 1890 Provided that the corporation shall not be bound to carry passengers on any of the tramways or any parts thereof other than Tramway No. 6.

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24. Notwithstanding anything in the Act of 1880 the Act of 1882 the Act of 1890 or this Order contained the toll for each passenger travelling a distance not exceeding two miles upon the tramways or the existing tramways including tolls and charges for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance shall not exceed twopence.

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Huddersfield.

As to tolls for passengers.

25. Notwithstanding anything in the Act of 1880 the Act of 1882 the Act of 1890 and this Order contained the Promoters shall not be bound unless they think fit to carry passengers' luggage exceeding twenty-eight pounds in weight nor any parcels or goods.

Promoters not bound to carry goods.

26. It shall not be lawful for the Promoters or their lessees or any other person working or using the tramways or the existing tramways to take or demand on Sunday or on any bank or other public holiday any higher rates or charges than those levied by them on ordinary week-days.

As to fares on Sundays and holidays.

27. The Promoters at all times after the opening of the tramways or any part or parts thereof for passenger traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than half-past five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at fares not exceeding one penny for the journey from any point on any one of the tramways or of the existing tramways to any point either on the same or any other of the tramways or of the existing tramways Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages or the number of passengers carried the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

Miscellaneous.

28. Notwithstanding anything contained in the Tramways Act 1870 or this Order the Promoters may place and run carriages on and work and use any of the tramways or of the existing tramways and may provide such plant materials and things as may be requisite or convenient therefor and in such case the provisions of this Order relating to the working of the said tramways and the taking of tolls rates and charges therefor shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the Promoters and in such case the byelaws and regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramways and their lessees may with respect to any tramways belonging to and worked by the Promoters be made by the Promoters alone Provided always that nothing in this section shall empower the Promoters to create or permit a nuisance.

Power to corporation to work tramways.

Section 17 of the Act of 1882 is hereby repealed.

29. The Promoters may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the

Corporation may borrow.

[Ch. ciii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

*Hudders-
field.*

Local Loans Act 1875 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole the sum of five thousand and fifty-one pounds and such further sum or sums as the Board of Trade may from time to time sanction by order in writing The time for which such moneys may be borrowed shall be—

As to the said sum or sums amounting to five thousand and fifty-one pounds thirty years from the date or respective dates of borrowing the same; and

As to moneys borrowed with the sanction of the Board of Trade such period or periods not exceeding thirty years as the Board of Trade shall direct.

And for the purpose of such borrowing the corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Provisions as
to arbitration.

30. 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 and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Section 42 of the Act of 1880 is hereby repealed.

Form and
delivery of
notices.

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

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

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered at the principal office of such authority body or company or at the town hall in the borough as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to the town clerk at the town hall.

Section 265 of
the Public
Health Act
1875 incorpo-
rated.

32. 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" when used in that section shall mean this Order.

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

33. Nothing in this Order contained shall exempt the Promoters or any person using the tramways from the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be charged in respect of the use of the said tramways or any of them or from any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

A.D. 1897.

Huddersfield.

Saving for
general Acts.

34. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters.

Costs of Order.

THE SCHEDULE.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Break power of
engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted---

As to fittings of
engines &c.

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

As to carriages.

The Board of Trade shall on the application of the Promoters and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

Inspection of
engines and
carriages.

[Ch. clii.] *Tramways Orders Confirmation (No. 2) [60 & 61 Vict.]*
Act, 1897.

A.D. 1897. The speed at which engines and carriages may be driven or propelled
Hudders- along the tramways shall not without the consent of the Board of Trade
field. exceed the rate of eight miles an hour.
As to speed. The speed at which engines and carriages may pass through movable
facing points shall not exceed the rate of four miles an hour.

Morecambe.

MORECAMBE URBAN DISTRICT COUNCIL.

*Order authorising the Urban District Council of Morecambe to construct
Tramways in their District and for other purposes.*

Short title. 1. This Order may be cited as the Morecambe Urban District Council
Tramways Order 1897.

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

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

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

The expression "the council" shall mean the urban district council of the
urban district of Morecambe in the county palatine of Lancaster :

The expression "the district" shall mean the urban district of Morecambe :

The expression "the company" shall mean the Morecambe Tramways
Company :

The expression "the Act of 1886" shall mean the Morecambe Tramways
Act 1886 :

The expression "the Order of 1892" shall mean the Morecambe
Tramways (Extension) Order 1892 :

The expression "per journey" shall mean the distance traversed in the
same direction upon the tramways or any part thereof at any one
time.

Promoters.

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

[60 & 61 Vict.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

which may not be necessary for such purposes and may erect or construct on any such lands any offices stables sheds workshops stores or other buildings yards works and conveniences for the purposes of the undertaking Provided that they shall not at any time hold for such purposes more than one acre of land But nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section or otherwise taken or appropriated for the purposes of the undertaking.

A.D. 1897.

Morecambe.

Construction of Tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway herein-after described with all proper rails points junctions sidings curves plates offices weighbridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof.

Construction
of tramways.

The tramway authorised by this Order will be situate wholly in the district and is the following:—

A tramway 6 furlongs 5·10 chains or thereabouts in length of which 2 furlongs 6·60 chains or thereabouts is double line and 3 furlongs 8·50 chains or thereabouts is single line commencing in Marine Road at a point in that road immediately opposite to the north-eastern corner or gable of East View by a junction with the existing tramway there of the company at its termination and passing thence in an easterly direction along that road and the Bare Road as proposed to be widened by the Promoters and terminating in that road at a point 2 chains or thereabouts east of the western side of the road leading from the shore to the village of Bare and 2 chains or thereabouts east of the north-easterly corner of the garden of Bare White House.

The tramway shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line viz.—

(a.) In the Marine Road and Bare Road as proposed to be widened from its point of commencement for a distance of 8 chains or thereabouts measured in an easterly direction.

(b.) In the Bare Road as proposed to be widened between points respectively 11 chains or thereabouts and 16 chains or thereabouts east of the north-easterly corner of Thornton Road and 3 chains or thereabouts and 7 chains or thereabouts west of the north-westerly corner of Lodge Street and 1 chain or thereabouts and 5 chains or thereabouts east of the north-easterly corner of Park Street and 3 chains or thereabouts east of Lansdowne Road and 2 chains or thereabouts east of the north-easterly corner of the garden of Bare White House.

Provided always that the tramway shall not be constructed unless and until the roadway of the road along which the same is authorised to be laid

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. shall have been widened so that the width thereof shall not be less than forty feet.

Morecambe.

Provisions as to construction of tramways.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such 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.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

9. 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 which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalties shall be penalties within the meaning of section 56 of the said Act.

In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made any 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 imposed by this section.

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

10. If the Promoters or any other road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid the Promoters 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.

Power to make additional crossings &c. where necessary.

11. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings triangles junctions turn-outs 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 providing

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

access to any stables carriage-houses sheds or works of the Promoters subject in each case to the approval of the Board of Trade Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

A.D. 1897.

Morecambe.

12. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is 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 from time to time make or construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made where necessary.

13. Any paving metalling or material excavated by the Promoters in the construction of their works 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 Promoters' works.

14. 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.

Traffic upon Tramways.

15. The Promoters' lessees shall not carry on the tramways any goods animals or other things other than passengers passengers' luggage not exceeding twenty-eight pounds in weight and small parcels not exceeding fifty-six pounds in weight.

Traffic upon tramways.

16. The Promoters' lessees shall not be bound unless they think fit to carry passengers' luggage exceeding twenty-eight pounds in weight nor any parcels.

Promoters' lessees not bound to carry small parcels.

17. In case the Promoters' lessees carry parcels they may carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to passengers' luggage.

Provision as to carriage of parcels &c. in separate carriages.

18. The Promoters' lessees shall not use upon the tramways carriages or trucks constructed for use upon railways.

Promoters' lessees not to use carriages constructed for use on railways.

19. The Promoters or their lessees on the one hand and any company or person owning or lawfully working or using any tramways on the other hand may with the approval of the Board of Trade enter into and fulfil contracts and agreements for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways and for and in relation to the use

Interchange of traffic.

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. them out of the rents reserved under any lease made under the authority of this Order.

Morecambe.

Audit of
accounts.

29. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Promoters and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Protection of
local
authority.

30. Section 265 (protection 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.

Power to
the company
to use
tramway.

31. Subject to the provisions of section 19 of the Tramways Act 1870 the council may by lease demise to the company the right of user by the company of the tramways and of demanding and taking in respect of the same the tolls and charges by this Order authorised and in that event the company may accept any such lease and during the period of any lease may use the tramways and demand the said tolls and charges and for such purposes may do such acts and things as are necessary for and incidental to the exercise of the power hereby conferred.

Power to hold
patents.

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

Provisions as
to arbitration.

33. 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 and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and
delivery of
notices.

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

- (1.) Every notice shall be in writing and if given by the Promoters shall be signed by their clerk and if given by any company by their secretary or clerk ;
- (2.) Any notice to be delivered by or to the Promoters to or by any body or company may be delivered by being left at the principal office of such body or company or at the office of the clerk of the council as the case may be or by being sent by post in a registered letter addressed to their

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

respective clerk or secretary at their principal office or to the said clerk at his office. A.D. 1897.

Morecambe.

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

36. Nothing in this Order contained shall exempt the Promoters their lessees or any company or person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order. Saving for general Acts.

PERTH AND DISTRICT TRAMWAYS (EXTENSIONS). *Perth and District.*

Order authorising the Perth and District Tramways Company Limited to construct Extension Tramways in the City and Burgh of Perth.

1. This Order may be cited as the Perth and District Tramways (Extensions) Order 1897. Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are expressly varied by this Order. 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 expressions “the tramways” and “the undertaking” shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression “the burgh” shall mean the city and royal burgh of Perth;

The expression “the commissioners” shall mean the Lord Provost magistrates and council of the burgh as commissioners of police;

The expression “the Order of 1892” shall mean the Perth and District Tramways Order 1892;

The expressions “the Promoters’ tramways” and “the Promoters’ undertaking” shall mean respectively the tramways by the Order of 1892

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

*Perth and
District.*

and this Order authorised and the undertaking by the Order of 1892 and this Order authorised.

Promoters.

The Promoters.

4. The Perth and District Tramways Company (Limited) shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by
agreement.

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

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") except as is herein-after expressly provided the extension tramways herein-after described with all proper rails plates offices engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

- (1.) A tramway (No. 1) 7·90 chains in length to be situated in St. Leonard's Church parish of Perth and the East Church parish of Perth in the city burgh and county of Perth commencing at a point in Priory Place 0·33 chains or thereabouts measuring in a northerly direction from the junction of the centre lines of Queen Street and Priory Place passing thence in a northerly direction along Priory Place and terminating at a point in said Priory Place 7·90 chains or thereabouts from the commencement thereof;
- (2.) A tramway (No. 2) four furlongs 4·95 chains in length to be situated in the East Church parish of Perth St. Leonard's Church parish of Perth West Church parish of Perth and Middle Church parish of Perth in the city burgh and county of Perth commencing by a junction with the intended tramway (No. 1) at the termination thereof before described passing thence in a northerly direction along the south-west approach to St. Leonard's Bridge along said bridge and thence in a north-easterly direction along the north-east approach to said bridge known as St. Leonard's Bank thence in an easterly direction along King's Place thence in a northerly direction along King Street and terminating by a junction with the existing tramways of the Promoters in South Methven Street at or near a point in said South Methven Street measuring 0·80 chains or thereabouts in a northerly direction from the junction of the centre lines of County Place and South Methven Street:

[60 & 61 Vict.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

- (3.) A tramway (No. 3) five furlongs 0·01 chains in length to be situated in the East Church parish of Perth in the city burgh and county of Perth commencing on the highway leading from Perth to Glasgow known as the Glasgow Road at a point in said road or highway 0·95 chains or thereabouts north-eastwards from a point in the centre of the said road or highway opposite to the south-east corner of the public school at Cherrybank and passing thence in a north-easterly direction along said road or highway and terminating by a junction with the present terminus of the existing tramway line of the Promoters in the said road or highway ;
- (4.) A tramway (No. 4) four furlongs 7·80 chains in length to be situated in the East Church parish of Perth St. Paul's Church parish of Perth St. Andrew's Church parish of Perth and the Middle Church parish of Perth in the city burgh and county of Perth commencing in the road or highway known as Dunkeld Road at a point in the said road or highway 0·40 chains or thereabouts measuring in a south-easterly direction from the junction of the centre lines of the Crieff Road and the said Dunkeld Road and passing thence in a south-easterly direction along the said Dunkeld Road and Barrack Street thence in an easterly direction along Atholl Street and thence in a southerly direction along North Methven Street and South Methven Street thence in an easterly direction along High Street and terminating in said High Street by a junction with the existing tramway of the Promoters at a point 0·60 chains or thereabouts eastwards from the junction of the centre lines of the said High Street and South Methven Street ;
- (5.) A tramway (No. 5) 1·45 chains in length to be situated in the Middle Church parish of Perth St. Paul's Church parish of Perth and the East Church parish of Perth in the city burgh and county of Perth commencing by a junction with the intended tramway (No. 4) before described at a point 0·75 chains or thereabouts measured in a northerly direction from the junction of the centres of South Methven Street and High Street and passing thence in a southerly direction along said South Methven Street and terminating by a junction with the existing tramway of the Promoters in the said last-mentioned street at or near a point 0·75 chains or thereabouts measured in a southerly direction from the junction of the centres of the said South Methven Street and High Street.

A.D. 1897.

Perth and
District.

Tramway No. 1 shall be laid as a double single or interlacing line throughout The before-mentioned tramways other than Tramway No. 1 shall be laid as single lines except in the following instances where they shall be laid as double lines :—

Tramway No. 2.

In King's Place—

Between the points respectively 1·65 chains and 5·65 chains westwards from the centre of King Street at the junction thereof with King's Place.

[Ch. clii.] *Tramways Orders Confirmation (No. 2) [60 & 61 VICT.]*
Act, 1897.

A.D. 1897.

Tramway No. 3.

*Perth and
District.*

In the highway known as Glasgow Road—

Between the points respectively two furlongs 7·50 chains and three furlongs 1·50 chains north-eastward from the commencement of the tramway.

Tramway No. 4.

In Dunkeld Road—

Between the points respectively one furlong 9·05 chains and two furlongs 3·05 chains in a south-easterly direction from the commencement of the tramway.

For the pro-
tection of the
Caledonian
Railway
Company.

7. Whereas Tramway No. 2 will be laid along St. Leonard's Bridge by which the public road is carried over the railways of the Caledonian Railway Company (herein-after called "the Caledonian Company") at the Perth Station therefore the following provisions shall apply for the protection of the Caledonian Company (that is to say):—

- (1.) The Promoters shall not in any way alter or interfere with the structure of the said bridge in constructing or maintaining the tramway ;
- (2.) The Promoters shall before commencing to construct the tramway over the said bridge submit plans sections and specifications of their intended works to the engineer of the Caledonian Company for his approval and the tramways shall be constructed according to plans sections and specifications previously approved by and at the sight and to the reasonable satisfaction of such engineer and shall thereafter be maintained and repaired by the Promoters under his superintendence and to his reasonable satisfaction ;
- (3.) All the works and operations of the Promoters affecting the said bridge shall be constructed executed and completed so as not to injuriously affect the structure of the bridge or other works or lands of the Caledonian Company or cause any interruption to the passage or conduct of traffic on the said railway ;
- (4.) If any such injury or interruption shall arise or be occasioned at any time to such bridge in constructing maintaining or repairing the tramway the Promoters shall forthwith make good or remove such injury or interruption at their own expense or the Caledonian Company may do so at the expense of the Promoters and the Promoters shall repay to the Caledonian Company on demand all costs and expenses incurred by them in so doing and all loss or damage sustained by the Caledonian Company in consequence of such injury ;
- (5.) The Caledonian Company may from time to time and at any time maintain repair and when necessary alter or reconstruct the said bridge without being liable to the Promoters or any parties working or using the tramway for any loss injury damage expense or interruption of traffic which may arise in connexion with the maintenance repair alteration or reconstruction of such bridge and any additional expense incurred by the Caledonian Company in the maintenance repair

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alteration or reconstruction of such bridge or the roadway over the same by reason or in consequence of the tramway thereon shall from time to time be repaid to the Caledonian Company by the Promoters provided that all such operations shall be executed by the Caledonian Company in such manner as to cause no unnecessary interruption or inconvenience to the traffic on the tramway ;

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- (6.) If any difference shall arise between the Promoters and the Caledonian Company or their respective engineers with respect to such plans sections and specifications or as to the mode of constructing any works or the subsequent maintenance or repair thereof or as to any additional expense incurred by that company in connexion with the repair alteration or reconstruction of the said bridge or roadway or as to any costs expenses loss or damage provided for in this section such difference shall be referred to and determined by an engineer to be appointed by the Board of Trade on the application of the Promoters or the Caledonian Company and the cost of any such reference shall be borne and paid as the referee shall direct.

8. The following provisions of the Order of 1892 (that is to say) sections 9 to 14 both inclusive sections 16 and 17 sub-sections (1) (3) (4) (5) (7) (17) and (18) of section 18 and section 19 (relating to the construction of the tramways) sections 21 to 42 both inclusive and Schedules A. and B. (relating to the use of mechanical power and to traffic upon and to tolls in respect of the tramways and to miscellaneous matters) shall so far as the same are applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1892 and for the purposes of such application the expressions "the tramways" and "the undertaking" in the said provisions shall be construed to respectively include the tramways and the undertaking as defined by this Order.

Extending to this Order certain provisions of the Order of 1892.

9. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables carriages-houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works or in making any permanent alteration or removal under sub-section 7 of section 18 of the Order of 1892 as in this Order incorporated no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto and in constraining for the purposes of this Order

Additional crossings &c. may be made where necessary.

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A.D. 1897. the said section this proviso shall be substituted for the proviso in the said sub-section contained.

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As to purchase of burgh tramways.

10. After the opening for public traffic of any part of the tramways within the burgh it shall be lawful for the commissioners to exercise the powers of purchase given by section forty-three of the Tramways Act 1870 of so much of the undertaking as is within their district within six months after the expiration of any integral number of years from the passing of the Act confirming this Order on giving six months' previous notice to the Promoters.

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

11. 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.

Miscellaneous.

Restrictions on use of electric power.

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

- (1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance ;
- (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances ;
- (3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade herein-after referred to as the prescribed regulations and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject 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 continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electric power under the authority of this Order

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have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order ;

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District.*

- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously 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 Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;
- (6.) Electric lines circuits or works of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes shall not be deemed to be electric wires lines and apparatus or wires lines or apparatus used for the purpose of transmitting electric power within the meaning of this section ;
- (7.) The expression "the Promoters" in this section shall include their lessees and the licencees and any person owning working or running carriages over any tramways of the Promoters.

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For protection
of the Post-
master-
General.

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

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

(3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration;

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution

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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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District.*

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if 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;

(7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Promoters were Undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section;

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882;

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act;

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid;

(11.) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages on any of the Promoters tramways;

(12.) Section 43 of the Order of 1892 is hereby repealed.

14. It shall not be lawful for the Promoters or any other company or person working or using the Promoters' tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to fares on
Sundays and
holidays.

15. Nothing in this Order contained shall exempt the Promoters or any company or person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon from any future revision or alteration

Saving for
general Acts.

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A.D. 1897. under the authority of Parliament of the maximum rates of tolls and charges
Perth and authorised by this Order or from any condition regulation or restriction
District. which may be imposed upon the use of tramways or upon the use on
tramways of animal power or electrical power by any such general Act as
aforesaid.

Stirling and
Bridge of
Allan.

STIRLING AND BRIDGE OF ALLAN TRAMWAYS
EXTENSION.

Order authorising the construction of a Tramway from Stirling to
St. Ninians in the county of Stirling.

Short title. 1. This Order may be cited as the Stirling and Bridge of Allan Tramways
Extension Order 1897.

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

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

Provided that in this Order—

The expression “the tramway” means the tramway by this Order
authorised :

The expression “the tramways of the Promoters” means the tramways
authorised by the Order of 1872 and by this Order :

The expression “the undertaking” means the undertaking by the Order of
1872 and this Order authorised :

The expression “the Order of 1872” shall mean the Stirling and Bridge of
Allan Tramways Order 1872 :

The expression “the Commissioners” means the Commissioners of the
burgh of Stirling acting under the Burgh Police (Scotland) Act 1892.

Promoters.

The Promoters. 4. The Stirling and Bridge of Allan Tramways Company Limited shall be
the Promoters for the purposes of this Order and are in this Order referred
to as “the Promoters.”

Lands.

Lands by agreement. 5. The Promoters may 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 or dispose of any such lands which may not
be necessary for such purposes Provided that they shall not at any time
hold for such purposes more than three acres of land but nothing in this

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Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section

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—
*Stirling and
Bridge of
Allan.*

Construction of Tramway.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plan and section deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to as "the deposited plan and section") the tramway herein-after described with all necessary and proper rails points plates junctions offices stables carriage-houses warehouses works appliances machinery plant and conveniences connected therewith or for the purposes thereof and may work and use the same.

Construction
of tramway.

The tramway authorised by this Order is—

A tramway wholly situate within the parish and burgh and county of Stirling commencing by a junction with the existing tramway belonging to the Promoters at its termination in the common junction of King Street Murray Place and Port Street Stirling at a point eleven yards or thereby measuring in a north-easterly direction from the south-west corner of King Street and proceeding thence southwards along Port Street and along the public road leading from Stirling to St. Ninians to and terminating in the centre of the last-mentioned public road at a point opposite the south-most gable wall of Ivy Bank Buildings St Ninians.

The proposed line of tramway will be laid as a single line of tramway throughout except at the place next herein-after specified where it will be laid as a double line viz. :—

In the public road leading from Stirling to St. Ninians between a point in that road 3·75 chains or thereabouts north from the north side of Clifford Road at its junction with the said public road and a point distant 3 chains or thereabouts southwards from the last-mentioned point.

The total length of the proposed tramway is 1 mile 0 furlongs and 0·7 chains or thereabouts of which 7 furlongs and 7·7 chains or thereabouts is single line and 3 chains or thereabouts is double line.

7. The tramway 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 Promoters with the assent of the Board of Trade and of the Commissioners.

Gauge of
tramway.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the Commissioners of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing the tramways of the Promoters lay before the Board of Trade and the Commissioners a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of such tramways or any part thereof except for the purpose of

Provisions as
to construction
of tramway.

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A.D. 1897. 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 under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the Commissioners as provided by section 26 of the said Act.

*Stirling and
Bridge of
Allan.*

As to paving. 9. The part of the street or road which lies between the rails of the tramway and eighteen inches on each side of the outer rails and where at passing places the line is double the whole or such part of the space as lies between the two lines as may be required by the Commissioners shall be laid or paved by the Promoters with such whinstone or other blocks or materials and in such manner as the Commissioners shall direct and to their satisfaction but the Promoters shall not be bound to do more by way of laying of roads or streets paving or causewaying than make the parts of the roads or streets which they may be required to lay pave or causeway correspond with the remaining parts of the roads or streets as regards laying paving or causewaying Where any streets or roads are from time to time laid by the Commissioners with new whinstone or other blocks or materials or different materials from what then existed the Promoters shall be bound to lay the parts of the roads or streets which they are herein-before bound to lay with whinstone or other blocks or materials with new whinstone or other new blocks or materials or such different materials as may be required by the Commissioners and also to alter the levels of the rails and the parts of the streets and roads to be maintained by the Promoters to suit the new levels of the streets or roads fixed by the Commissioners.

As to rails of tramways. 10. The rails of the tramways of the Promoters shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the Commissioners require the Promoters to adopt and apply such improvements in the tramway including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and roads in good condition. 11. 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 of the Promoters 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 for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

In case it is represented in writing to the Board of Trade by the Commissioners or by twenty inhabitant ratepayers of the burgh of Stirling 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

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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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*Stirling and
Bridge of
Allan.*

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

Commissioners
to have access
to sewers.

13. If the Commissioners hereafter alter the level of any road along or across which the tramway 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.

Tramway to
be kept on a
level with
surface of
roads.

14. The Promoters may subject to the provisions of this Order and with the consent of the Commissioners from time to time make maintain alter and remove all such crossings passing places sidings loops junctions turn-outs turntables and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the tramways of the Promoters or any part thereof (including a junction and connexion of the proposed tramway with the existing tramway of the Promoters) or for providing access to any stables carriage-sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hand addressed to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Additional
crossings
passing places
&c. may be
made where
necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway authorised by this Order is laid it shall in the opinion of the Commissioners be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the Commissioners may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued If any difference arises between the Promoters and the Commissioners with respect to the reasonableness of any regulations or with respect to the cost or mode of constructing any temporary tramway or tramways under the

Temporary
tramways may
be made where
necessary.

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 VICT.]
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A.D. 1897. authority of this section the same shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

*Stirling and
Bridge of
Allan.*

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

16. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the Commissioners 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 the said tramway of so much of the roadway of such road on either side of the tramway 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 the Commissioners or to such person or persons as he may appoint to receive the same 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 the said surveyor or by some other person or persons 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 difference between the Promoters and the Commissioners or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

Agreements
between
Promoters and
Commis-
sioners.

17. The Promoters and the Commissioners may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing and repairing of the tramway and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same.

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

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

Traffic upon Tramway.

Traffic upon
tramway.

19. The tramway may be used for the purpose of conveying passengers animals goods minerals and parcels.

Promoters not
bound to carry
animals goods
&c.

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

Provision as to
conveyance of
animals goods
&c. in separate
carriages.

21. In case the Promoters carry animals goods minerals or parcels they may and when required by the Commissioners 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.

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Bridge of
Allan.*

22. No carriages or trucks adapted for use upon railways shall be used upon the tramway.

Railway car-
riages not to be
used on
tramway.

23. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways of the Promoters between the hours of eight in the morning and eight in the evening without the consent of the Commissioners.

Heavy traffic
confined to
certain hours.

Tolls.

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

Tolls for
passengers

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

As to fares on
Sundays and
holidays.

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

Passengers'
luggage.

27. The Promoters at all times after the opening of the tramway or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage each way between Stirling and St. Ninians or if so required by the Commissioners two carriages each way over the entire length of the tramways of the Promoters every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) and the Promoters shall be liable to a penalty not exceeding two pounds for every day (except as aforesaid) on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section Provided that in case of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters or as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares
for labouring
classes.

[Ch. clii.] *Tramways Orders Confirmation (No. 2)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

*Stirling and
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Allan.*

Tolls for
animals goods
&c.

28 The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways of the Promoters or any part thereof except as is by this Order specially provided including the tolls and charges for the use of the said tramways and for waggon trucks and motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of
tolls.

29. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways of the Promoters and in such manner and under such regulations as the Promoters may by byelaw made under section 46 of the Tramways Act 1870 appoint.

Periodical
revision of
tolls.

30 If at any time after three years from the opening for public traffic of the tramways of the Promoters or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the said tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the said tramways or such portion thereof are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the said tramways or on any such portion thereof 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 report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the said tramways or on such portion thereof 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 tolls and charges prescribed by any such order shall not exceed in amount the tolls 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.

Miscellaneous.

As to burgh
customs.

31. Section 12 of the Agreement comprised in Schedule "C." to the Order of 1872 shall so far as the same is applicable in that behalf and not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramway from King Street to St. Ninians.

Form and
delivery of
notices.

32. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (namely):—

- (1.) Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters or by the Commissioners

[60 & 61 VICT.] *Tramways Orders Confirmation (No. 2)* [Ch. clii.]
Act, 1897.

shall be sufficiently authenticated by being signed by their clerk or secretary. A.D. 1897.

(2.) Any notice to be delivered by or to the Promoters to or by the Commissioners or any other body or any company may be delivered by being left at the principal office of that authority body or company or of the Promoters as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office. *Stirling and Bridge of Allan*

33. The Conveyance of Mails Act 1893 shall extend and apply to the tramways authorised by the Order of 1872 as if those tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three. *Carriage of mails on tramways.*

34. Nothing in this Order contained shall exempt the Promoters or the tramways of the Promoters from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power by any such general Act as aforesaid. *Saving for general Acts.*

35. Sections 8 12 13 15 and 17 and Schedule "A." of the Order of 1872 are hereby repealed. *Repeal.*

36. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters. *Costs of Order.*

THE SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &c.

ANIMALS.

| | | 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 and fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways | per ton | 0 2 |
| | | 51 |

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| | Per Mile. | |
|--|-----------|----|
| | s. | d. |
| For all iron ore pig iron bar iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fire-clay) 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 metal (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton | 0 | 3 |
| For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - - - - - per ton | 0 | 4 |

PARCELS.

| | Any Distance. | |
|---|---------------|----|
| | s. | d. |
| For any parcel not exceeding in weight 7 lbs. - - - - - each | 0 | 3 |
| For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - - - - - „ | 0 | 5 |
| For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - - - - - „ | 0 | 7 |
| For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight - - - - - „ | 0 | 9 |
| For any parcel exceeding 56 lbs. in weight such sum as the Promoters 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 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 Promoters 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 Promoters may think fit. | | |

REGULATIONS AS TO RATES.

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

For a fraction of a ton the Promoters may demand and take rates and charges according to the number of 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 the imperial avoirdupois weight.

A.D. 1897.

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

*Stirling and
Bridge of
Allan.*

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