



CHAPTER cxcviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bredbury and Romiley Urban District Council Tramways Huddersfield Corporation Tramways Hurst Urban District Council Tramways Kearsley Urban District Council Tramways Prestwich Urban District Council Tramways Reddish Urban District Council  
..... Tramways.

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[6th August 1900.]

**W**HEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

33 & 34 Vict.  
c. 78.

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act 1900. 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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(No. 1) Act, 1900.

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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. If any Promoters purchase or acquire any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means 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; the expression "house" means any tenement separately occupied by any person or persons.

SCHEDULE.

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LIST OF ORDERS.

BREDBURY AND ROMILEY URBAN DISTRICT COUNCIL TRAMWAY.—Order authorising the Urban District Council of Bredbury and Romiley to construct a Tramway in their district and for other purposes.

HUDDERSFIELD CORPORATION TRAMWAYS.—Order authorising the mayor aldermen and burgesses of the borough of Huddersfield to construct an additional tramway in the said borough.

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

KEARSLEY URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Kearsley to construct additional tramways in their district and for other purposes.

PRESTWICH URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the council for the Urban District of Prestwich in the county of Lancaster to construct tramways in the said urban district.

REDDISH URBAN DISTRICT COUNCIL TRAMWAYS.—Order authorising the Urban District Council of Reddish to construct tramways in their district and for other purposes.

WIGAN CORPORATION TRAMWAYS.—Order authorising the mayor aldermen and burgesses of the borough of Wigan to construct additional tramways in their borough.

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BREDBURY AND ROMILEY URBAN DISTRICT  
COUNCIL.

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*Order authorising the Urban District Council of Bredbury and Romiley to construct a Tramway in their District and for other purposes.*

*Preliminary.*

Short title.

1. This Order may be cited as the Bredbury and Romiley Urban District Council Tramway Order 1900.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

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

The expression "the district" means the Urban District of Bredbury and Romiley in the county of Chester :

The expression "the Council" means the Urban District Council of Bredbury and Romiley :

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

The expression "engine" includes motor.

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—

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

(b) by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or

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premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

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Provided that they shall not at any time hold for such purposes more than two acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

*Construction of Tramway.*

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

Construction of  
tramway.

(a) construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway herein-after described with all proper rails plates points sleepers channels junctions turntables turnouts crossings passing-places offices weighbridges stables carriages engines boilers and dynamo-sheds buildings houses warehouses works appliances and conveniences connected therewith or for the purpose thereof :

(b) 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 nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramway authorised by this Order will be wholly situate in the district and is as follows (that is to say)—

A tramway 2 miles 4 furlongs and 1·50 chains in length of which 1 mile 6 furlongs and 9·50 chains is single line and 5 furlongs and 2 chains is double line commencing in Stockport Road at the boundary of the district at the centre of New Bridge over the River Goyt passing thence in a north-easterly direction along Stockport Road Stockport Road West Stockport Road East and Hyde Road and terminating in Hyde Road at the boundary of the district at a point 32 yards south-west of a point opposite the centre of the entrance gate to "Ferndale."

The tramway will be laid as a single line except at the following places where it will be laid as a double line (that is to say)—

In Stockport Road between points 22 yards and 88 yards respectively north-east of the commencement of the tramway and between points 3 yards and 69 yards respectively north-east of a point opposite to the

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west end of the Pear Tree Terrace and between points 44 yards and 110 yards respectively south-west of a point opposite to the north-east end of Meadow View and between points 23 yards and 89 yards respectively north-east of a point opposite the centre of entrance gate to Yew Tree.

In Stockport Road and Stockport Road West between points 160 yards and 248 yards respectively north-east of a point in Stockport Road opposite the centre of the entrance gate to Arden.

In Stockport Road West between points 30 yards and 96 yards respectively east of a point opposite the centre of the gateway to Ashfield.

In Stockport Road West and Stockport Road East between points 39 yards west of the junction of Stockport Road West and Lower Bent's Lane and 88 yards east of that point respectively.

In Stockport Road East between points 18 yards and 84 yards respectively east of a point opposite the centre of the "Rising Sun" public-house and between points 58 yards and 124 yards respectively east of a point opposite the centre of the "Crown Inn" public-house.

In Hyde Road between points 4 yards and 92 yards respectively east of the junction of Hyde Road and Church Street and between points 4 yards and 70 yards respectively north-east of the junction of Hyde Road and Cross Street and between points 35 yards and 100 yards respectively north-east of the junction of Hyde Road and Chapel Street and between points 131 yards and 197 yards respectively north-east of the junction of Hyde Road and Pine Street and between points 48 yards and 136 yards respectively south-west of a point at the centre of the railway bridge at Woodley Station and between points 22 yards and 88 yards respectively north-east of the junction of Hyde Road and Ashton Street and between points 22 yards and 88 yards respectively south-west of the termination of the tramway.

For the protection of the Corporation of Stockport.

7. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Stockport in the several counties of Chester and Lancaster (herein referred to as "the corporation") shall apply and have effect:—

(1) During the construction of the tramway the Promoters may deviate in such places to such extent and in such manner as the corporation may certify in writing to be necessary for avoiding interference with any mains pipes works or apparatus belonging to the corporation but no such deviation shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath on either side of the road.

(2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the corporation with reference to mains pipes works and apparatus of the corporation for the supply of gas in like manner as the same apply to a company or person being the owner of gas mains or pipes So much of sections 30 32 and 33 of the Tramways Act 1870 as applies to the maintenance repairing or renewal of the tramway shall apply to the

corporation with reference to any mains pipes works and apparatus to be constructed or laid down by the corporation in the future for the supply of water within the district in like manner as the same apply to a company or person being the owner of water mains or pipes. Provided that all works or interference with or in connexion with such mains pipes works or apparatus of the corporation under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters.

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- (3) The cost of constructing providing and laying any new gas mains pipes or other apparatus in substitution for any which may be rendered useless by the construction of the tramway and the value of any gas mains pipes or other apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation be repaid to the corporation by the Promoters Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus the Promoters shall only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.
- (4) The corporation shall not be liable for and the Promoters shall indemnify the corporation except during the period of any lease of the tramway or any part thereof to the corporation against all loss to the Promoters by reason of suspension of traffic and all accidents damages or injuries to the tramway works and property of the Promoters and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Promoters or at any time hereafter be caused by the bursting breaking or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either wholly or partially) or near to any tramway or work of the Promoters or which may have been affected by the works of the Promoters unless such damage or injury shall have arisen as the consequence of any wilful act or default of the corporation or their officers or servants.
- (5) The Promoters shall make full compensation to the corporation for any damage or injury which may be occasioned to the mains pipes works or apparatus of the corporation for the supply of gas or water by or in consequence of fusion or electrolytic action or otherwise in consequence of the exercise of the powers of this Order and the amount of such compensation shall in case of difference be determined by arbitration.

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- (6) All and singular the sum or sums of money herein-before provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.
- (7) Any matter in difference under this section between the Promoters and the corporation shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

For the  
protection of  
the Cheshire  
County  
Council.

8. For the protection of the county council of the county palatine of Chester (in this section referred to as "the county council") the following provisions shall unless otherwise agreed apply and have effect:—

- (1) The Promoters shall at their own expense pave so much of the roadway upon New Bridge and the approach thereto on the east side thereof whereon the tramway is laid as lies between the rails and as extends 18 inches beyond the rails of and on each side of such tramway with granite cubes or setts to the satisfaction of the county council or with such other paving as the county council may approve.
- (2) In constructing the said tramway upon such bridge and the said approach thereto the Promoters shall not alter or interfere with the structure of such bridge or of the said approach unless such alteration or interference with the construction of such bridge or approach be absolutely necessary for the purpose of constructing such tramway and in the event of any such alteration or interference the Promoters shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the county council detailed drawings and specifications showing the proposed work as affecting such bridge or approach and if any difference arise between the Promoters and the county council as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Promoters shall so construct and maintain such tramway in the road upon such bridge and approach as not to injuriously affect such bridge or approach and in the event of any injury being occasioned to such bridge or any part thereof or the said approach by the construction of such tramway on the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramway) the county council may restore such bridge or the said approach or the part which may be injured to as good a state as it was in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the county council against all sums costs and expenses which they may pay or be put to in restoring such bridge or approach and in maintaining and repairing so much of the road over such bridge as the Promoters are liable to maintain and keep in good condition and repair under section 28 of the Tramways Act 1870 and the county council may recover from the Promoters all such sums costs and expenses together with full costs and



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charges in the same manner as any simple contract debt of the like amount may be recovered. A.D. 1900.

(3) In case mechanical power is used on the said tramway laid on such bridge as aforesaid the county council may execute such works as may in the opinion of their engineer and of the engineer of the Promoters (or in the case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the county council may execute all such works in all things at the expense of the Promoters and the county council may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it becomes necessary for effecting any such strengthening that the working and use of such tramway be wholly or in part stopped or delayed and the county council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working and user of such tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the county council shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

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(4) The Promoters shall not without the consent in writing of the county council which consent shall not be unreasonably withheld place erect or attach any post or other support for any wire on or to such bridge as aforesaid and shall on receiving three months' notice in writing remove any post or support which shall at any time be so placed erected or attached as aforesaid.

(5) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for altering widening or rebuilding the said bridge and the approach so far as the same are respectively repairable by the inhabitants of the said county but all such rights powers and authorities shall remain in as full force as if this Order had not been made and confirmed and the county council shall not be liable to make any compensation whatever for any damage or injury to the tramway by the altering widening or rebuilding such bridge or the approach thereto. Provided that in altering or rebuilding such bridge or the approach thereto nothing shall be done to impede or interfere with the tramway for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration widening or rebuilding fourteen days' notice thereof shall be given by the county council to the Promoters and the county council shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

(6) If such bridge or the approach be altered widened or rebuilt by the county council the county council may require the Promoters at their

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own expense to alter such tramway in such manner as the circumstances of the case may reasonably require Provided that in case of any difference between the county council and the Promoters as to such alteration widening or rebuilding the same shall be settled in manner herein-after mentioned.

(7) The Promoters shall not be entitled to any annual payment from the county council under section 11 (2) of the Local Government Act 1888 towards the costs of the maintenance repair and reasonable improvement of so much of any main road along which the said tramway is laid as lies between the rails of the tramway and when double or interlacing lines are laid in such road of the portion of the road between such double or interlacing lines and in every case of so much of the road as extends for 18 inches beyond the rails of and on each side of such tramway.

(8) Any paving metalling or other material excavated by the Promoters from any main road whereon the tramway is laid may be applied by the Promoters in or towards the reinstating of such road and the maintenance for six months after the completion of the tramway and so much of the road as the Promoters are by this Order required to maintain and the Promoters shall at their own expense if so required deliver the surplus paving metalling or other material not used for the purpose aforesaid at such place within the district not being more than one mile from the place of excavation as the county council shall appoint and if such surplus is not used for the repair or maintenance of main roads to which the county council are liable to contribute the value thereof shall be deducted from the payments to be made by the county council to the Promoters under the said section 11 (2).

(9) Any matter in difference under this section between the Promoters and the county council or any other person shall unless otherwise agreed be referred (save where by this section otherwise provided) to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

9. For the protection of the Great Central Railway Company and the Sheffield and Midland Railway Companies committee (in this section respectively referred to as "the company") the following provisions shall apply and have effect:—

(1) All works which may be necessary in constructing and maintaining any of the tramways on over or under any bridge works or property of the 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 company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters.

(2) Before commencing any works on over or under any bridge or the approaches thereto or other work of the company the Promoters shall give seven days' notice in writing to the company of their intention to

For the protection of the Great Central Railway Company and the Sheffield and Midland Railway Companies committee.

(Superintendence of works affecting railways &c.)

(Notice of intention to execute works.)

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execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works.

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- (3) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over or under any railway or canal of the company or of the approaches thereto and they shall so construct maintain and use the tramways on over or under such bridge and the approaches thereto as not injuriously to affect the same Provided that whenever any of the said tramways on either side of any bridge to which this subsection applies is a single line there shall only be a single line over such bridge and no turnouts or passing-places shall be constructed thereon.

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(Structure of  
bridge.)

- (4) In the event of any injury being caused to any such bridge or approaches or other work by the construction maintenance repairing user or removal of any of the tramways the company may at the expense of the Promoters restore such bridges or approaches or other work or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(Injury to  
bridges and  
repair of roads  
over same.)

- (5) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or canals or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted and be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for and in respect of such stoppage or delay or in any way relating thereto.

(Suspension  
of tramway  
traffic during  
alterations in  
bridges  
widening of  
railways &c.)

- (6) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by electrical steam or any mechanical power

(Strengthen-  
ing of bridges  
necessitated by  
mechanical  
traction.)

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such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the company all additional expenses which they may incur or be put to in effecting any such widening lengthening strengthening reconstructions alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(Overhead  
traction  
plant.)

(7) In the event of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge or other work of the company.

(Settlement of  
differences.)

(8) Any matter in difference under this section between the Promoters and the company shall unless otherwise agreed be referred (save where by this section otherwise provided) to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of an engineer nominated by the Board of Trade on the application of either party.

Provisions as  
to construction  
of tramway.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramway 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 the tramway or any part thereof 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.

Rails of  
tramway.

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

Penalty for not  
maintaining  
rails and road  
in good  
condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway 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 be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report

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certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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

14. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on the tramway and may with the like consent alter the position in the road of any such tramway or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Alteration of tramway.

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

Cross-overs to be constructed in certain cases.

16. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove such cross-overs passing-places sidings loops triangles junctions turnouts 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 stables carriage-houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Additional cross-overs &c. may be made where necessary.

17. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid it is in the opinion of

Temporary tramway.

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A.D. 1900. the Promoters necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

*Bredbury  
and Romiley  
Urban District  
Council.*

Application  
of road  
materials  
excavated in  
construction  
of works.

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

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

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

*Motive Power.*

Provisions as  
to motive  
power.

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

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

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

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

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

(a) that the Promoters or such company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

may by order either direct the Promoters or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such company or person shall comply

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with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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Urban District  
Council.*

Mechanical  
power works.

21. For the purpose of working the tramway by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences and may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings.

22. All works to be executed by the Promoters or their lessees in any road for working the tramway by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly prescribed) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Mechanical  
power works to  
be subject to  
section 30 of  
Tramways  
Act 1870.

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

Byelaws.

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

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

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

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

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

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

24. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines and carriages are to be

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

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—  
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Urban District  
Council.*

Special  
provisions as  
to use of  
electrical  
power.

driven or propelled on the tramway under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

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

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus.
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking.
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents.
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the



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

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

For protection  
of the  
Postmaster-  
General.

(b) In the event of the tramway or any part thereof 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 subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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

(3)—(a) Before any electric line is laid down or any act or work for working the tramway 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

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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 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 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order.
- (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 over the tramway (or any part thereof) of the Promoters.

*Traffic upon Tramway.*

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

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

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

30. The Promoters may after giving twenty-four hours' notice to their lessees or in case of any unforeseen emergency such as fire or the bursting of water or gas mains forthwith for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Promoters or any gas or water company or by the mayor aldermen and burgesses of the borough of Stockport in connection with their gas or water undertakings or during the time of any public meeting procession or demonstration or for any other purpose which the Promoters having regard to the good government of the district or the safety of the public may deem necessary order that the working of the tramway or any part thereof shall be stopped delayed and suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Promoters shall not be liable to pay compensation for damages in respect thereof and for every contravention of the provisions of such order the offender shall be liable to a penalty not exceeding five pounds.

31. The Promoters may with the previous consent of their lessees (if any) in such manner as they think fit use the tramway free of toll or charge for sanitary purposes and for the conveyance of scavenging stuff night soil road and sewer material coal pipes and any other materials required for or arising at the works of the Promoters and may for such purposes with the consent of the Board of Trade form connections between any yards or works belonging to the Promoters and the tramway Provided always that in the construction of such connections as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

*Rates.*

32. The Promoters' lessees may demand and take for every passenger travelling upon the tramway or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral

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

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

Power for Promoters to suspend traffic.

Use of tramway for sanitary purposes.

Passengers' fares.

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As to fares  
on Sundays  
or holidays.

Passengers'  
luggage.

Cheap fares  
for labouring  
classes.

Rates for  
animals goods  
&c.

Payment of  
rates.

Periodical  
revision of  
rates and  
charges.

number of miles shall be deemed a mile) but in no case shall the Promoters' lessees be bound to charge a less sum than twopence.

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

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

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

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

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

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

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

38. If at any time after three years from the opening for public traffic of the tramway or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramway or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of

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the rates and charges demanded and taken in respect of the traffic on the tramway or on 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 reports that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramway or on such portion of the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

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Council.*

*Miscellaneous.*

39. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramway and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramway by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramway and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the council and the council may work such tramway and demand and recover such rates and charges accordingly but nothing in this section shall empower the council to construct any station for generating electrical power nor to create or permit a nuisance.

Power to  
council to  
work tram-  
way.

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

Regulations.

41. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any local authority or person authorised to enter into such contracts or agreements for and in relation to the construction or working of the whole or any part of the tramway or with respect to the receiving or forwarding of any animals goods minerals or parcels and of the fixing collecting and apportionment of rates charges and other receipts and may with the consent and subject as aforesaid confirm any such contracts and agreements which may have been entered into before the confirmation of this Order.

Agreements  
as to traffic.

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Power to lease  
tramway to  
another local  
authority.

42. Subject to the provisions of section 19 of the Tramways Act 1870 (except so far as it restricts the placing or running of carriages by a local authority upon the tramway) the council may by lease demise to the local authority of another district if such last-mentioned authority be authorised to take such lease the undertaking or any part thereof or the right of user of the tramway or such part thereof and of demanding and taking in respect of the same rates and charges and in that event any such local authority may accept any such lease and during the period of any lease may use the tramway or the part thereof referred to in such lease and demand rates 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. Provided that if the tramway or any part thereof is worked by such local authority or by the persons working the authorised tramways of such local authority the tramway or any such part thereof shall be deemed for the purpose of rates and charges to be part of the tramways authorised by the Acts and Orders authorising the tramways of such local authority and the provisions as to rates and charges of the said Acts and Orders shall apply accordingly.

Orders &c. of  
the Board of  
Trade.

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

Recovery of  
penalties.

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

Mortgages to  
include rents  
and rates.

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

Audit of  
accounts.

46. Sections 247 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 tramway as if such accounts related to receipts and expenditure under that Act.

Protection  
of local  
authority.

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

Form and  
delivery of  
notices.

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

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

(2) Any notice to be delivered by or to the Promoters to or by any body or company or corporation may be delivered by being left at the principal office of such body company or corporation or at the office of the clerk to 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 or to the clerk to the said Promoters.

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 Council.

49. 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.

Provisions as  
 to arbitration.

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

Saving for  
 general Acts.

## SCHEDULE.

### RATES AND CHARGES FOR ANIMALS GOODS &C.

<i>Animals.</i>	Per Mile.
	s. d.
For every horse mule or other beast of draught or burden per head	0 4
For every ox cow bull or head of cattle - - - - - „	0 3
For every calf pig sheep or other small animal - - - - - „	0 1½
<i>Goods and Minerals.</i>	
For all coal coke culm charcoal cannel limestone chalk lime salt sand 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
For all iron iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton	0 2½

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		Per Mile.
		s. d.
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings	- - - - per ton	0 3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	- - - - per ton	0 4
For every carriage of whatever description	- - - -	1 0

*Small Parcels.*

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

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

*For the Carriage of Single Articles of Great Weight.*

		Per Mile.
		s. d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters' lessees 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' lessees may think fit.		

*Regulations as to Rates.*

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

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



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

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

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

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## HUDDERSFIELD CORPORATION.

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

1. This Order may be cited as the Huddersfield Corporation Tramways Order 1900. Short title.

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

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General. The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878.

(2) The proviso to sub-section (1) of this section shall apply to the tramway undertaking so far as regards any works undertaken after the commencement of this Order.

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 tramway" means the tramway and works by this Order authorised;

"The tramway undertaking" includes the tramway undertakings respectively authorised by the Huddersfield Improvement Act 1880 the Huddersfield Corporation Act 1882 the Huddersfield Tramways and Improvement Act 1890 the Huddersfield Corporation Tramways Order 1897 and the Huddersfield Corporation Tramways Order 1898.

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]  
(No. 1) Act, 1900.

A.D. 1900.

*Huddersfield Corporation.*  
The Promoters.

4. The mayor aldermen and burgesses of the county borough of Huddersfield 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—

- (A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for the purposes of the tramway undertaking as extended by this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in the Promoters forming part of their corporate estates;
- (B) by agreement from time to time purchase and acquire for the purposes of the tramway undertaking as extended by this Order such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payment into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board;
- (C) erect or construct on any such lands any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences:

Provided that they shall not at any time hold for such purposes more than one acre of land in addition to the lands they are already authorised to hold for those purposes Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of tramway.

6. Subject to the provisions of this Order the Promoters may make form lay down work use and maintain wholly within the county borough of Huddersfield the tramway 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 turnouts 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 or authorised tramways of the Promoters.

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any Undertakers under the Electric Lighting Acts 1882 and 1888

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

A.D. 1900.

*Huddersfield Corporation.*

The tramway authorised by this Order is the following:—

A tramway 6 furlongs 7·48 chains in length or thereabouts whereof 5 furlongs 5·48 chains is single line and 1 furlong 2 chains is double line commencing by a junction with the existing tramway of the corporation in Bradford Road North at a point about twenty-seven yards north of Spaines Road passing thence along or over the said Bradford Road North to a point about eighty-six yards south of the junction of Lister Road with that road thence along or over a proposed new street (to be constructed from Bradford Road North to Ashbrow Road) to a point in Ashbrow Road about ninety-eight yards south-east of the junction of Lister Road with that road thence along or over the said Ashbrow Road and there terminating at a point about fifteen yards west of Sheepridge Road.

The tramway will be laid as a single line except between the following points where it will be laid as a double line (that is to say):—

- (A) Two points respectively thirty-two yards and ninety-eight yards north of its commencement;
- (B) Two points respectively sixty-one yards and one hundred and twenty-seven yards north of Whitby Avenue in the proposed new street;
- (C) Two points respectively twenty-five yards and ninety-one yards north-east of Bradford Road North; and
- (D) Two points respectively one hundred and four yards and thirty-eight yards west of Sheepridge Road.

7. The tramway shall be constructed on a gauge of four feet seven and three-quarter inches and carriages or trucks adapted for use on railways shall not be used on the tramway.

Gauge of tramway.

8.—(1) Notwithstanding anything in any Act or Order relating to the tramway undertaking contained the Promoters' lessees at all times after the opening of the tramway for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way over the whole of the tramway undertaking every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning nor earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

Cheap fares for labouring classes.

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

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]  
(No. 1) Act, 1900.

A.D. 1900.

*Huddersfield Corporation.*

Tramway to form part of tramway undertaking for all purposes.

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

9. Subject to the provisions of this Order the tramway shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licensees may in respect of the tramway exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramway or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Order of 1897.

Saving for general Acts.

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

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HURST URBAN DISTRICT COUNCIL.

*Hurst Urban District Council.*

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

*Preliminary.*

Short title.

1. This Order may be cited as the Hurst Urban District Council Tramways Order 1900.

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

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

The expression "the district" means the urban district of Hurst in the county of Lancaster;

[63 & 64 Vict.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

The expression "the council" means the urban district council of Hurst;  
The expression "mechanical power" shall include steam electrical and  
every other motive power not being animal power;  
The expression "engine" includes motor.

A.D. 1900.  
—  
*Hurst Urban  
District  
Council.*

4. The council 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—

Lands by  
agreement.

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

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

Provided that they shall not at any time hold for such purposes more than  
two acres of land Provided also that nothing in this Order shall exonerate  
the Promoters from any indictment action or other proceeding for nuisance  
in the event of any nuisance being caused or permitted by them upon  
lands appropriated or taken under the powers of this section.

*Construction of Tramways.*

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

Construction  
of tramways.

(a) construct and maintain in accordance with the plans and sections  
deposited at the office of the Board of Trade for the purposes of this  
Order (which plans and sections are in this Order referred to  
respectively as "the deposited plans" and "the deposited sections")  
the tramways herein-after described with all proper rails plates sleepers  
channels junctions turntables turnouts crossings passing-places offices  
stables carriage engine boiler and dynamo houses sheds buildings  
works and conveniences connected therewith or for the purposes  
thereof;

(b) erect or construct on any lands acquired or appropriated for the  
purposes of the undertaking any offices sheds stables workshops  
stores waiting-rooms or other buildings yards works and conveniences  
for the purposes of the undertaking:

Provided that nothing in this Order or in any Act wholly or in part  
incorporated therewith shall extend to or authorise any interference with  
any works of any undertakers under the Electric Lighting Acts 1882 and

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]  
(No. 1) Act, 1900.

A.D. 1900. 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Hurst Urban  
District  
Council.

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

Tramway No. 1 (5 furlongs 7·74 chains in length whereof 4 furlongs 4·14 chains will be single line and 1 furlong 3·60 chains will be double line) commencing in Junction Street at a southern boundary of the district at the junction of Mount Street and Junction Street passing along Junction Street Union Road and King Street and terminating in the last-mentioned street at a point twenty-one yards west of the centre of Hurst Cross.

This tramway will be laid as single line except at the following places where it will be laid as double line :

- (a) In Union Road between points respectively six yards and eighty-three yards north of the centre of Water Street ;
- (b) In King Street between points respectively nine yards and eighty-six yards north of the centre of Curzon Road ;
- (c) In King Street between points respectively seven yards and ninety-five yards north of New Lees Street ;
- (d) In King Street between points respectively thirty-four yards and one hundred and thirty-seven yards north of John Street ;

Tramway No. 2 (4 furlongs 0·53 chain in length whereof 2 furlongs 7·10 chains will be single line and 1 furlong 3·43 chains will be double line) commencing in King Street by a junction with Tramway No. 1 at the termination thereof passing along Hurst Cross Queen Street and Mossley Road and terminating in Mossley Road at the westerly boundary of the township at a point eleven yards west of Queen Street.

This tramway will be laid as single line except at the following places where it will be laid as double line :

- (a) In King Street from its commencement to a point seventeen yards south of Grey Street ;
- (b) In Queen Street between points respectively ten yards and sixty-nine yards north of the centre of Whiteacre Road ;
- (c) In Queen Street between points respectively twenty-one yards and ninety-one yards north of the centre of Mossley Road :

Provided that the portion of Tramway No. 2 in Queen Street south of the intersection of Whiteacre Road shall not be constructed until the road has been vested in the Promoters without the consent in writing of the owners of that portion of the road.

Provided also that for a distance of 5·14 chains in Queen Street between points seven yards south of the centre of Higher King Street and seventeen yards south of the centre of Grey Street the double line shall be so laid that only one of such lines can be used at one and the same time.

Tramway No. 3 (single line 9·40 chains in length) commencing at Queen Street by a junction with Tramway No. 2 ten yards north of the centre of Whiteacre Road passing into and along Whiteacre Road and

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

terminating therein at the westerly boundary of the district at a point 206½ yards from the commencement thereof; A.D. 1900.

Tramway No. 4 (single line 1·35 chains in length) to be situate in Canterbury Street commencing at the southern boundary of the district at a point 14 yards west of Junction Street and terminating by a junction with Tramway No. 1 at a point 53 and a third yards from the commencement thereof.

Hurst Urban  
District  
Council.

7. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade with the assent of the Promoters. Provided that if a less gauge than 4 feet 8½ inches is used so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but in that case no engine or carriage used on the tramways shall exceed 6 feet 6 inches in width or such other width as may from time to time be prescribed by the Board of Trade. Gauge.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down 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 and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section. Provisions as to construction of tramways.

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

10. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof is or are situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade Penalty for not maintaining rails and roads in good condition.

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]  
(No. 1) Act, 1900.

A.D. 1900.

*Hurst Urban  
District  
Council.*

Tramways to  
be kept on  
level of surface  
of road.

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.

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

Alteration of  
tramways.

12. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent subject in places where the Promoters may not be the road authority to the approval of that authority alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Passing-places  
to be con-  
structed in  
certain cases.

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

Additional  
crossings may  
be made  
where neces-  
sary.

14. 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 loops triangles 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 facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters or for effecting junctions with any tramways but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto



[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

A.D. 1900.

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

*Hurst Urban  
District  
Council.*

Temporary  
tramways.

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

Application of  
road materials  
excavated in  
construction  
of works.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same at such place as he may direct. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling and material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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

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

*Motive Power.*

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

Provisions as  
to motive  
power.

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

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of

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A.D. 1900.

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*Great Urban  
District  
Council.*

mechanical power on the tramways and for regulating the use of electrical power:

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

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

(a) that the Promoters or such company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non compliance has or has not been recovered; or

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

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

Mechanical  
power works.

19. For the purpose of working any of the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order construct maintain and use stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences and may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings and may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.

Mechanical  
power works  
to be subject  
to section 30  
of Tramways  
Act 1870.

20. All works to be executed by the Promoters or their lessees in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

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

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

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

(c) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets, and at such places and in such cases of

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
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horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

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

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

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

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so authorised.

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

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

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

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

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference

A.D. 1900.

Hurst Urban  
District  
Council.

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

Special pro-  
visions as to  
use of electrical  
power.

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 VICT.]  
(No. 1) Act, 1900.

A.D. 1900.

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*Hurst Urban  
District  
Council.*

with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking ;

- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents ;
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;
- (7) The expression "the Promoters" in this section shall include their lessees and any person owning working or running carriages over any tramway of the Promoters.

For pro-  
tection of the  
Postmaster-  
General.

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

(B) In the event of the tramways or any part thereof 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 subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator ;
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of

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the Postmaster-General as may be necessary to remedy such injurious affection ;

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

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

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

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the 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 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order ;

(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

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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 over any of the tramways of the Promoters.

*Traffic upon Tramways.*

Traffic upon  
tramways.

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

Promoters not  
bound to carry  
animals  
goods &c.

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

*Rates.*

Passengers'  
fares.

27. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile) but in no case shall the Promoters lessees be bound to charge a less sum than twopence.

As to fares on  
Sundays or  
holidays.

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

Passengers'  
luggage.

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

Cheap fares  
for labouring  
classes.

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

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

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

31. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Rates for  
 animals  
 goods &c.

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

Payment of  
 rates.

33. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee reports that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Periodical  
 revision of  
 rates and  
 charges.

*Miscellaneous.*

34. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical

Power to  
 Council to  
 work  
 tramways.

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A.D. 1900. power and in such case the several provisions in this Order contained relating  
*Hurst Urban* to the working of the tramways and the taking of rates and charges  
*District* therefor shall extend and apply mutatis mutandis to and in relation to the  
*Council.* Council and the Council may work such tramways and demand and recover  
such rates tolls and charges accordingly but nothing in this section shall  
empower the Council to construct any station for generating electrical power  
nor to create or permit a nuisance.

Regulations. 35. The regulations authorised by the Tramways Act 1870 to be made by  
the Promoters of any tramway and their lessees may with respect to the  
tramways or any portion of the tramways for the time being belonging to  
and worked by the Council be made by the Council alone.

Working agreements. 36. The Promoters may with the consent of the Board of Trade from time  
to time but subject to the provisions of this Order—

(a) enter into and fulfil contracts and agreements with any person or  
local authority authorised to enter into such contracts for and in relation  
to the construction maintenance or working of the whole or any part  
of the tramways and may enter into and carry into effect contracts and  
agreements with any person or local authority owning or lawfully  
working or using any tramways 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 or any of  
them and for and in relation to the user by the contracting parties or  
any or either of them of the whole or any part of their respective  
tramway undertakings or of any or either of them respectively and to  
the fixing collecting and apportionment of rates charges and other  
receipts; and

(b) confirm any such contracts and agreements which may have been entered  
into before the confirmation of this Order.

Orders &c. of the Board of Trade. 37. All orders regulations and byelaws made and consents and certificates  
given by the Board of Trade under the authority of this Order shall be  
signed by a secretary or an assistant secretary of that Board and when  
purporting to be so signed the same shall be deemed to be duly made in  
accordance with the provisions of this Order and to be orders and regulations  
within the meaning of the Documentary Evidence Acts 1868 and 1882 and  
may be proved accordingly.

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

Recovery of penalties. 39. Any penalty under this Order or under any byelaws or regulations  
made under this Order may be recovered in manner provided by the  
Summary Jurisdiction Acts.

Audit of accounts. 40. Sections 247 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



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their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

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

Protection of  
local authority.

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

Form and  
delivery of  
notices.

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

(2) Any notice to be delivered by or to the Promoters to or by any body or any company or corporation may be delivered by being left at the principal office of such body company or corporation or at the office of the clerk to 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 or to the clerk to the said Promoters.

43. 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.

Provisions as  
to arbitration.

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

Saving for  
general Acts.

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A.D. 1900.

Hurst Urban  
District  
Council.

SCHEDULE.

RATES AND CHARGES FOR ANIMALS GOODS &C.

		Per Mile.	
		—	
<i>Animals.</i>		s.	d.
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle	- - - - - "	0	3
For every calf pig sheep or other small animal	- - - - - "	0	1½
<i>Goods and Minerals.</i>			
For all coal coke culm charcoal cannel limestone chalk lime salt sand 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
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except 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 metals (except iron) nails anvils vices and chains and for light iron castings	- - - - - per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	- - - - - per ton	0	4
For every carriage of whatever description	- - - - -	1	0

		Any Distance.	
		—	
<i>Parcels.</i>		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	- - - - - each	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight	- - - - - each	0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight	- - - - - each	0	9
For any parcel exceeding 56 lbs. in weight such sum as the persons conveying the same may think fit.			

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

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

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*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 persons conveying the same may think fit not exceeding - - - per ton 2 0

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

*Regulations as to Tolls.*

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

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

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

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

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

KEARSLEY URBAN DISTRICT COUNCIL.

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

*Kearsley  
 Urban District  
 Council.*

*Preliminary.*

1. This Order may be cited as the Kearsley Urban District Council Tramways Order 1900. Short title.

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

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*Urban District*  
*Council.*  
Interpretation.

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

Provided that in this Order—

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

The expression "the Order of 1878" means the Bolton and Suburban Tramways Order 1878 ;

The expression "the existing tramway" means the existing tramway and works in the district constructed by the Council under the Order of 1878 ;

The expression "the undertaking" means the existing tramway and the tramways and works and the undertaking of the Council authorised by this Order ;

The expression "the district" means the urban district of Kearsley in the county of Lancaster ;

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

The expression "mechanical power" includes steam electrical and every other motive power not being animal power ;

The expression "engine" includes motor.

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—

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

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

Provided that they shall not at any time hold for such purposes more than two acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

*Construction of Tramways.*

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

(a) construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points plates sleepers channels junctions turntables turnouts crossings passing-places offices stables carriage engine boiler and dynamo houses sheds buildings works and conveniences connected therewith or for the purposes thereof;

(b) erect or construct on any such lands any offices sheds stables workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking;

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (double line 1 mile 4 furlongs 8 chains in length) commencing by a junction with the existing tramway of the Council at the termination thereof in the Bolton Road proceeding along the Bolton Road and the Manchester Road and terminating in the last-mentioned road at the boundary between the townships and urban districts of Kearsley and Clifton.

Tramway No. 2 (double line 3·72 chains in length) commencing by a junction with Tramway No. 1 at or near the commencement thereof as above described proceeding into and along the street or road called or known as Long Causeway and terminating therein at a point at or near the boundary between the urban districts and townships of Kearsley and Farnworth.

7. The tramways shall be constructed on a gauge of 4 feet 8½ inches or such other gauge as may from time to time be determined by the Board of Trade with the assent of the Promoters. Provided that if a less gauge than 4 feet 8½ inches is used so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed 6 feet 6 inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Gauge and  
width of  
carriages.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the

Further  
provisions as  
to construction  
of tramways.

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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 and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Rails of  
tramways.

9. 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.

10. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof is or are situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be  
kept on level  
of surface of  
road.

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

Alteration of  
tramways.

12. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent and with the approval of the road authority alter the position in the road of any of the tramways or any part thereof respectively. Provided that the uppermost surface thereof shall be on a level with the surface of the road. Provided further that in the exercise of the powers of this section 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

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hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

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13. Where in any road in which a double line of tramway is laid, there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall and they are hereby required to construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs  
to be con-  
structed in  
certain cases.

14. The Promoters may subject to the provisions of this Order and with the consent of the road authority from time to time make maintain alter and remove all such crossings passing-places sidings loops triangles 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 facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters or for effecting junctions with any tramways Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Additional  
crossings &c.  
may be made  
where neces-  
sary.

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

Temporary  
tramways.

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

Application of  
road material  
excavated in  
construction of  
works.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of the tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus

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paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same at such place as he may direct. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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

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

*Motive Power.*

Provisions as to motive power.

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

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

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

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

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

(a) that the Promoters or such company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

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



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19.—(1) The Promoters may reconstruct the existing tramway and make such alterations thereof as may be necessary or expedient for working the same by mechanical power and on such reconstruction and alteration the provisions as to motive power of this Order shall apply to the existing tramway in lieu of the corresponding provisions of the Bolton and Suburban Tramways Order 1888.

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Alteration of  
existing  
tramway and  
construction  
of mechanical  
power works.

(2) For the purpose of working the existing tramway and the tramways by this Order authorised by mechanical power the Promoters and their lessees may subject to the provisions of this Order construct maintain and use stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences and may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings and may with the consent of the owners and occupiers of any house or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus.

20. All works to be executed by the Promoters or their lessees in any road for working the tramways or the existing tramway by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Mechanical  
power works to  
be subject to  
section 30 of  
Tramways Act  
1870.

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

Byelaws.

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

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

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

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

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

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

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

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Special  
provisions as  
to use of  
electrical  
power.

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

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

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

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

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

For protection  
of the Post-  
master-  
General.

(B) In the event of the tramways or any part thereof 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 subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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

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

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time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

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

- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.
- (6) For the purpose 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 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order.
- (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 over the tramways or any part thereof of the Promoters.

For the  
protection  
of the

25. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the Company") the following provisions shall unless

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otherwise agreed between the Promoters and the company be observed and have effect (that is to say) :—

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 Lancashire and  
 Yorkshire  
 Railway  
 Company.

- (1) In this section the word " apparatus " includes posts brackets electric conductors wires apparatus subways tunnels cables tubes openings and any similar appliances to be used as or for the purposes of a motive power for the carriages running on any tramway.
- (2) Where any tramway by this Order authorised to be constructed or reconstructed or altered or any tramway on or in connection with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the company the Promoters shall so construct reconstruct or alter and maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto.
- (3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction reconstruction alteration maintenance repairing user or removal of the tramways or apparatus the company may at the expense in all things of the Promoters forthwith in case of emergency and in other cases after giving seven clear days' notice in writing of their intention so to do restore such bridge and 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.
- (4) All works which may be necessary in constructing reconstructing altering and maintaining the tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the engineer of the company.
- (5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge the company may after giving to the Promoters seven clear days' notice thereof execute such works as their engineer may deem necessary but in all things at the expense of the Promoters.
- (6) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the company shall (except in cases of emergency when they shall give the longest notice practicable) give the Promoters fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay.
- (7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the company.
- (8) No apparatus shall be affixed or attached to any house building or property belonging to the company or to any bridge belonging to or

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maintainable or repairable by the company without the consent in writing of the company.

(9) Whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Promoters is laid or the approaches thereto and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Promoters fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Promoters and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Promoters after such notice make default in diverting taking up or removal of any such tramway or apparatus the company may at the expense of the Promoters effect such diversion taking up or removal.

(10) All moneys payable to the company by the Promoters under the provisions of this section shall be recoverable by all and the same means as any simple contract debt of like amount is recoverable.

(11) If any difference shall arise under this section between the Promoters and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connection with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

For the  
protection of  
the Lancashire  
County  
Council.

26. For the protection of the County Council of Lancashire (herein-after referred to as "the county council") the following provisions shall apply and have effect (that is to say):—

(1) In constructing the tramway upon or over any bridge which is repairable by the inhabitants of the county of Lancaster or of any hundred therein or any parts of the approaches thereto the Promoters shall not alter or interfere with the structure of such bridge or approaches unless such alteration or interference with the construction of such bridge or approaches be absolutely necessary for the purpose of constructing the tramway and in the event of any such alteration or interference the Promoters shall together with the prescribed notice submit to the county council detailed drawings and specifications showing the

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proposed work as affecting such bridge or approaches and the Promoters shall so construct and maintain the tramway in the road over such bridge and forming the approaches thereto as not to injuriously affect such bridge or approaches and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of the tramway on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramway) the county council after seven days' written notice to the Promoters except in cases of emergency of their intention so to do may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall repay to the county council all reasonable expenses which they may be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to repair under this Order and the county council may recover from the Promoters all such expenses so due as aforesaid.

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(2) In the event of mechanical power being used on that portion of the tramway which is laid on any such bridge or approaches the county council may execute such works as may be agreed between them and the Promoters (or in case of difference between them as may be determined by the Board of Trade) necessary for the strengthening of the fabric of such bridge provided such strengthening is needed for and by reason of the tramway apart from the ordinary traffic on the road in question and the county council may execute all such agreed works at the expense of the Promoters and the county council may recover from the Promoters all moneys reasonably expended by them in the execution of such works as aforesaid. If it becomes necessary for effecting such strengthening that the working of any portion of the tramway be wholly or in part stopped or delayed and the county council give the Promoters three clear days' notice in writing requiring such stoppage or delay the working of such portion of the tramway shall be stopped or delayed accordingly but only for so long as may be necessary for effecting such strengthening and the county council shall not be liable for any claims damages or expenses in respect of such stoppage or delay.

(3) If any such bridge as aforesaid upon or along which the tramway is laid be altered widened or rebuilt by the county council the county council may require the Promoters to alter the tramway in such manner as the circumstances of the case may reasonably require provided that it shall be lawful for but not binding on the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the county council towards the expenses of altering widening or rebuilding any of such bridges as aforesaid.

(4) The Promoters shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire on or to the structure

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of any such bridge as aforesaid and shall on receiving three months' notice in writing (which notice shall not be given unreasonably) remove any post or support which shall be so placed erected or attached as aforesaid.

- (5) For the purposes of this section the expression "the tramway" shall include posts cables and all other electrical appliances connected therewith.
- (6) The Promoters shall at their own expense pave so much of any main road whereon or over which any tramways authorised by this Order are laid as lies between the rails and as extends 18 inches beyond the rails of and on each side of such rails with granite cubes or setts or such other paving as the surveyor of the county council may approve.
- (7) If any question (except such as is to be determined by the Board of Trade as herein-before provided) arises under this section between the Promoters and the county council that question shall be referred to arbitration under this Order.

*Traffic and Tolls.*

Applying  
provisions of  
Order of 1878  
as to traffic  
and tolls.

27. Subject to the provisions of this Order the tramways authorised by this Order shall for the purposes of traffic thereon and of the rates tolls and charges to be demanded and taken thereon be deemed to form part of the tramways authorised by the Order of 1878 and sections 16 to 23 and 25 of the Order of 1878 and the schedule to that Order shall so far as the same are applicable extend and apply to the tramways authorised by this Order and to the traffic thereon and to the rates tolls and charges authorised to be demanded and taken in respect of such traffic in like manner and in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1878 and for the purposes of such application the expression "the Promoters" in the said sections shall be construed to mean the Promoters as defined in this Order and their lessees.

Cheap fares  
for labouring  
classes.

28.—(1) Notwithstanding anything in the Order of 1878 contained the Promoters' lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way over the tramways and the existing tramway every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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



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

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29. The Promoters and their lessees or any persons working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

As to fares  
on Sundays  
or holidays.

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

Periodical  
revision of  
rates.

*Miscellaneous.*

31. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways or the existing tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in the Order of 1878 and in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the council and the council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the council to construct any station for generating electrical power nor to create or permit a nuisance.

Power to  
Promoters to  
work  
tramways.

32. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any

Regulations.

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A.D. 1900. tramways or portions of tramways for the time being belonging to and worked by the council be made by the council alone.

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Council.  
Working  
agreements.*

33. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any local authority or person who are authorised to enter into such contracts or agreements and are the owners or lessees of any tramways in any adjacent district which can be worked with any of the tramways of the council with respect to—

- (a) The working running over use maintenance and management by the contracting parties or any or either of them of their respective tramways and works or any part or parts thereof;
- (b) The supply under any agreement for all or any of the respective tramways of the contracting parties being worked by any or either of them of rolling stock plant machinery electrical energy or other motive power necessary for the purposes and during the continuance of such agreement;
- (c) The appointment and removal of officers and servants;
- (d) The payments to be made and the conditions to be performed with respect to such working running over use maintenance and management;
- (e) The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties;
- (f) The payment collection division and apportionment of the tolls rates charges receipts and revenues arising from such traffic;
- (g) The sums or considerations whether annual or in gross and the rents payments allowances rebates and drawbacks to be paid made or allowed by any or either of the contracting parties to the other or others of them for or on account of any of the matters to which the respective contract or agreement may relate; and
- (h) The exercise of all such other powers as may be found desirable in reference to the purposes aforesaid or any of them.

*Power to  
lease tramway  
to another  
local authority.*

34. Subject to the provisions of section 19 of the Tramways Act 1870 the council may by lease demise to the local authority of another district if such last mentioned authority be authorised to take such lease the undertaking or the right of user of the tramways and of the existing tramway and of demanding and taking in respect of the same tolls rates and charges and in that event any such local authority may accept any such lease and during the period of any lease may use the tramways and the existing tramway and demand tolls rates 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 Provided that if the tramway is worked by such local authority or by the persons working the authorised tramways of such local authority the tramway shall be deemed for the purpose of rates and charges to be part of the tramways authorised by the Acts and Orders authorising the tramways of such local authority and the provisions as to rates and charges of the said Acts and Orders shall apply accordingly.

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*Orders &c. of  
the Board of  
Trade.*

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

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

*Mortgages to  
include rents  
and rates.*

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

*Recovery of  
penalties.*

38. Sections 247 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.

*Audit of  
accounts.*

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

*Protection of  
local  
authority.*

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

*Form and  
delivery of  
notices.*

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

(2) Any notice to be delivered by or to the Promoters to or by any body or any company or corporation may be delivered by being left at the principal office of such body company or corporation or at the office of the clerk to 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 or to the clerk to the said Promoters.

41. 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.

*Provisions as  
to arbitration.*

[Ch. cxcviii.] *Tramways Orders Confirmation* [63 & 64 Vict.]  
(No. 1) Act, 1900.

A.D. 1900.

*Kearsley  
Urban District  
Council.*

Carrying of  
mails by  
Promoters.

Saving for  
general Acts.

42. Notwithstanding any provision in any Act or Provisional Order relating to the existing tramway the Conveyance of Mails Act 1893 shall extend and apply to such tramway as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Promoters as the body or person owning or working such tramway.

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

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PRESTWICH URBAN DISTRICT COUNCIL.

*Prestwich  
Urban District  
Council.*

*Order authorising the Council for the Urban District of Prestwich in the County of Lancaster to construct Tramways in the said Urban District.*

Short title.

1. This Order may be cited as the Prestwich Urban District Council Tramways Order 1900.

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

The expression "the district" means the urban district of Prestwich in the county of Lancaster :

The expression "the Council" means the Urban District Council for the district :

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

The expression "engine" includes motor.

*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—

(a) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

any lands not dedicated to public use from time to time vested in them; A.D. 1900.

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

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Urban District  
Council.*

Provided that they shall not at any time hold for such purposes more than two acres of land. Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

*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 at the office of the Board of Trade (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points junctions plates offices weighbridges stables carriage-houses sheds warehouses waiting-rooms works and conveniences connected therewith or for the purposes thereof.

Construction  
of tramways.

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 A double line 1 mile 5 furlongs 3·7 chains in length commencing in Bury New Road at the boundary between the urban district of Prestwich and the urban district of Whitefield passing thence along the Bury New Road and terminating in the same road at the boundary between the urban district of Prestwich and the county borough of Salford;

Tramway No. 2 1 mile 7 furlongs 0·65 chain in length whereof 9 furlongs 0·75 chain will be double line and 5 furlongs 9·90 chains will be single line commencing in Bury Old Road at the boundary between the urban district of Prestwich and the urban district of Whitefield passing thence along Bury Old Road and terminating in the same road at the boundary between the urban district of Prestwich and the county borough of Salford;

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Tramway No. 2 will be laid as a double line except between the following places in Bury Old Road where it will be laid as a single line (namely):—

- (a) From the commencement of the tramway to a point 210 yards south thereof;
- (b) Between points 382 yards and 610 yards respectively south of the commencement of the tramway;
- (c) Between points 677 yards and 903 yards respectively south of the commencement of the tramway;
- (d) Between points 249 yards and 350 yards respectively south of the junction of Bury Old Road and Hodge Lane;
- (e) Between points 490 yards and 588 yards respectively south of the junction of Bury Old Road and Hodge Lane;
- (f) Between points 654 yards and 776 yards respectively south of the junction of Bury Old Road and Hodge Lane;
- (g) Between points 417 yards and 641 yards respectively south of the junction of Bury Old Road and Scholes Lane;
- (h) Between points 707 yards and 826 yards respectively south of the junction of Bury Old Road and Scholes Lane;

Tramway No. 3 1 mile 1 furlong 5·40 chains in length commencing in Middleton Road at the boundary between the urban district of Prestwich and the borough of Middleton thence passing along Middleton Road and terminating in the same road at the boundary between the urban district of Prestwich and the city of Manchester.

Tramway No. 3 will be laid as a double line except where the roadway is of a clear width of less than 30 feet where it will be laid as a single line Provided that where Tramway No. 3 is constructed as a single line it shall be laid along the centre of the road.

*For the  
protection of  
the Lancashire  
County  
Council.*

7.—(1) Before any tramway hereby authorised is laid along the main road known as Bury New Road the Promoters shall widen the carriage-way of such road throughout the whole length along which the tramways are laid so as to leave a space of at least nine feet six inches between the outside of the footpaths and the nearest rail on both sides of the road.

(2) The Promoters shall at their own expense pave so much of any main road whereon or over which any tramways authorised by this Order are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such rails with granite cubes or setts or such other paving as the surveyor of the county council may approve.

*For the  
protection of  
the Corpora-  
tion of  
Manchester.*

8. The following provisions for the protection of the lord mayor aldermen and citizens of the city of Manchester (herein-after referred to as "the corporation") shall apply and have effect:—

- (1) In the construction of the tramways the Council shall deviate in such places to such extent and in such manner as the city surveyor of the corporation may certify in writing to be necessary for avoiding interference with any water electric or other mains pipes works or apparatus belonging to or under the control of the corporation but no such deviation shall be so made as to leave a less space than nine feet

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six inches between the nearest rail of the tramway to be deviated and the outside of the footpath ;

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Urban District  
Council.*

- (2) Sections 30 32 and 33 of the Tramways Act 1870 shall (subject to the other provisions of this section) extend and apply to the corporation with reference to the water electric or other mains pipes works or apparatus belonging to or under the control of the corporation in like manner as the same apply to a company or person being the owner of water electric or other mains pipes works or apparatus Provided that all works or interference with or in connection with the water electric or other mains pipes works or apparatus belonging to or under the control of the corporation under the thirtieth section of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Council ;
- (3) The cost of constructing providing and laying any new water electric or other mains pipes works or apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any such mains pipes works or apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation be repaid to the corporation by the Council Provided always that whenever any new main pipe work or apparatus of larger dimensions shall be substituted for any existing main pipe work or apparatus the Council shall (unless the increased dimension be required by reason of the construction or existence of the tramways) only be required to pay the cost which would have been incurred by the substitution of a main pipe work or apparatus of equal dimensions with the existing main pipe work or apparatus ;
- (4) All and singular sum and sums of money herein-before provided to be paid by the Council to the corporation may be recovered by the corporation by all and the same means as any simple contract debt ;
- (5) Whenever in the execution of the powers in this Order contained it shall be necessary to alter or interfere with or disturb any of the water electric or other mains pipes works or apparatus belonging to or under the control of the corporation such alteration in the position or otherwise of any such water electric or other mains pipes works or apparatus which may be required for the purposes of any works by this Order authorised shall be carried out by and under the direction of the corporation but at the reasonable expense in all respects of the Council ;
- (6) The corporation shall not be liable for and the Council shall indemnify the corporation against all loss to the Council by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Council and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Council or at any time hereafter in consequence thereof be caused by the bursting breaking or leakage of or escape of water from any main or pipe or other apparatus of the corporation being

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underneath (either wholly or partially) or near to any tramway or work of the Council or which may have been affected by the works of the Council unless such damage or injury shall have arisen as the consequence of any act or default of the corporation or their officers or servants Provided always that the corporation shall without unnecessary delay execute and do all things necessary to make good any such bursting breaking leakage or escape and the cost thereof shall be paid by the Council except where such bursting breaking leakage or escape have been caused by the act or default of the corporation or their officers or servants.

For protection  
of Salford  
Corporation.

9. For the protection of the mayor aldermen and burgesses of the borough of Salford (in this section called "the Salford Corporation") the following provisions shall have effect (that is to say):—

The provisions of the section of this Order the marginal note whereof is "For the protection of the Corporation of Manchester" shall extend and apply mutatis mutandis to and in relation to gas and electric mains pipes works and apparatus belonging to or under the control of the Salford Corporation and in construing that section for the purposes of this section the word "gas" shall be substituted for the word water and the expression "corporation" shall mean the Salford Corporation.

For protection  
of Lancashire  
and Yorkshire  
Railway  
Company.

10. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Promoters and the company be observed and have effect (that is to say):—

- (1) In this section the word "apparatus" includes posts brackets cables electric mains wires apparatus subways tunnels tube boxes and openings and any similar appliances to be used as or for the purpose of a motive power for the carriages running on the tramways;
- (2) Where any tramway by this Order authorised or any tramway on or in connection with which any apparatus is to be constructed or used is laid along a road which is carried by means of a bridge over any railway of the company the Promoters shall so construct maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge;
- (3) In the event of any injury being caused to any such bridge by the construction maintenance repairing user or removal of the tramways or apparatus the company may at the expense of the Promoters forthwith in case of emergency and in other cases after giving seven clear days' notice in writing of their intention so to do restore such bridge or the part or parts thereof which may be so injured to as good a state and condition as it was in before such injury was occasioned;
- (4) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such bridge shall be constructed and maintained at the expense of the Promoters and under the superintendence and to the reasonable satisfaction of the engineer of the company;
- (5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge the company may after giving to the Promoters fourteen clear



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days' notice thereof execute such works as their engineer may deem necessary but at the expense of the Promoters ;

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Urban District  
Council.*

- (6) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the company shall (except in cases of emergency when they shall give the longest notice practicable) give the Promoters fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay ;
- (7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge over the railway shall subject to the provisions of this section be such as shall be reasonably approved of by the company ;
- (8) No apparatus shall be fixed or attached to any house building or property belonging to the company or to any bridge belonging to or maintainable or repairable by the company without the consent in writing of the company ;
- (9) Whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Promoters is laid and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Promoters fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense of the Promoters and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as may be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Promoters after such notice make default in diverting taking up or removal of any such tramways or apparatus the company may at the expense of the Promoters effect such diversion taking up or removal ;
- (10) All moneys payable to the company by the Promoters under the provisions of this section shall be recoverable by all and the same means as any simple contract debt of the like amount is recoverable ;
- (11) If any difference shall arise under this section between the Promoters and the company touching anything to be done or omitted to be done or

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not to be done or the reasonableness of any requirement or of any charges or in any manner in connection with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

Gauge and  
width of  
carriages.

11. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be determined by the Board of Trade with the assent of the Promoters. Provided that if a less gauge than four feet eight and a half inches is used so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Provisions as  
to construction  
of tramways.

12. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing the tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down 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 and in places where the Promoters are not the sole road authority under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Rails to be  
such as Board  
of Trade may  
approve.

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

Penalty for  
not maintain-  
ing rails and  
road in good  
condition.

14. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof is or are situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
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15. If any road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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 Council.*

Tramways to be kept on level of surface of road.

16. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent subject in places where the Promoters may not be the road authority to the approval of that authority alter the position in the road of any of the tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road as altered or widened Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Alteration of tramways.

17. In constructing and maintaining the tramways the Promoters may with the previous approval of the Board of Trade deviate laterally from the lines shown on the plans deposited to any extent not exceeding one foot but no such deviation shall be made so that a less space than nine feet six inches shall intervene between the outer rail of the tramway and the outer edge of the footway on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Power to deviate.

18. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall and they are hereby required to construct cross-overs connecting the one tramway with the other and by means of such cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs to be constructed in certain cases.

19. 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 loops triangles 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 facilitating the traffic of the roads in which the same are laid or for providing access to any stables carriage-houses sheds or works of the Promoters or for effecting junctions with any tramways but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority 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

Additional crossings &c. may be made where necessary.

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side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Temporary tramways.

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

Application of road materials excavated in construction of works.

21.—(1) Any paving metalling or material excavated by the Promoters in the construction of the tramways 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 think fit.

(2) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority other than the Promoters may be applied by the Promoters so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same at such place as he may direct. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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

22. 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.*

Provisions as to motive power.

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

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

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

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

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

(a) that the Promoters or such company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered or

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

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

24. For the purpose of working the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use dynamos and other electric apparatus steam engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street or road posts brackets cables electric mains wires apparatus subways tunnels tubes boxes or openings and may for that purpose subject to the restrictions and provisions contained in Part II of the Tramways Act 1870 open and break up any street or road or any sewer drain water or gas pipes tubes wires telephonic or telegraphic apparatus therein or thereunder.

Mechanical  
power works.

25. All works to be executed by the Promoters in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Mechanical  
power works to  
be subject to  
section 30 of  
Tramways Act  
1870.

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

Byelaws.

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

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

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

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

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

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

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

27. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Special provisions as to use of electrical power.

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

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

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

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

(4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if

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and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking.

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- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents.
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.
- (7) The expression "the Promoters" in this section shall include their lessees and any person owning working or running carriages over any tramway of the Promoters.

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

For protection  
of the  
Postmaster-  
General.

(B) In the event of the tramways or any part thereof 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 subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

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(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 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 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :



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- (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 over any of the tramways of the Promoters.

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*Traffic upon Tramways.*

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

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

32. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Promoters 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.

Provisions as to carriage of animals goods &c.

33. For the purpose of using the tramways for sanitary purposes and for the conveyance of scavenging stuff nightsoil ashes and other refuse coal coke gas-pipes road-metal and other materials required for their works the Promoters may with the consent of the Board of Trade make such junctions sidings and works as they may think necessary or convenient for making communication to the tramways from their depôts and yards but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority Provided always that in the construction of such junctions sidings and works as aforesaid no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Junctions with works.

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Rates for  
passengers.

As to fares on  
Sundays and  
holidays.

Passengers'  
luggage.

Cheap fares  
for labouring  
classes.

Rates and  
charges for  
animals  
goods &c.

Payment of  
rates.

*Rates.*

34. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile) but in no case shall the Promoters' lessees be bound to charge a less sum than two pence.

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

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

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

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

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

38. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

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

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Periodical  
revision of  
rates.

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

*Miscellaneous.*

41. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness machinery apparatus plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions herein-before contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Council to construct any station for generating electrical power nor to create or permit a nuisance.

Power to  
Council to  
work tram-  
ways.

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

Regulations.

43. The Promoters or their lessees may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any company or person owning or lawfully working or using any tramways for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on

Interchange of  
traffic.

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and for and in relation to the user by the contracting parties or any or  
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*Council.* either of them of the whole or any part of their respective tramway  
undertakings or of any or either of them respectively.

Mortgage may  
include rents. 44. The Promoters may include in any mortgage of the local rate made  
under section 20 of the Tramways Act 1870 the moneys coming to them out  
of the rents reserved under any lease made under the authority of the  
Tramways Act 1870 or this Order and the tolls charges and sums authorised  
to be taken or received by them under the provisions of this Order.

Orders &c.  
of the Board  
of Trade. 45. All orders regulations and byelaws made and consents and certificates  
given by the Board of Trade under the authority of this Order shall be  
signed by a secretary or an assistant secretary of the Board 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.

Recovery of  
penalties. 46. Any penalty under this Order or under any byelaws or regulations  
made under this Order may be recovered in manner provided by the  
Summary Jurisdiction Acts.

Audit of  
accounts. 47. Sections 247 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. 48. Section 265 (Protection of local authority and their officers from  
personal liability) of the Public Health Act 1875 is hereby incorporated with  
this Order and in construing that section for the purposes of this Order the  
expression "this Act" where used in that section shall mean this Order.

Power to  
hold patents. 49. 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  
rights 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.

Form and  
delivery of  
notices. 50. With respect to notices and to the delivery thereof by or to the  
Promoters the following provisions shall have effect (that is to say) :—

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

(2) Any notice to be delivered by or to the Promoters to or by any body  
or any company or corporation may be delivered by being left at the  
principal office of such body company or corporation or at the office of  
the clerk to 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 or to the clerk to the said Promoters.

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51. 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.

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*Council.*  
 Provisions as  
 to arbitration.

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

Saving for  
 general Acts.

**SCHEDULE.**

**RATES AND CHARGES FOR ANIMALS GOODS &C.**

	Per mile.	
	s.	d.
<i>Animals.</i>		
For every horse mule or other beast of draught or burden - per head	0	4
For every ox cow bull or head of cattle - - - - - "	0	3
For every calf pig sheep or other small animal - - - - - "	0	1½
<i>Goods and Minerals.</i>		
For all coals coke culm charcoal cannel limestone chalk lime salt sand 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
For all iron iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except 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 flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton		0 3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things - per ton		0 4
For every carriage of whatever description - - - - -		1 0

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		Any distance.	
<i>Parcels.</i>		s.	d.
For any parcel not exceeding seven pounds in weight	-	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	-	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	-	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight	-	0	9
For any parcel exceeding fifty-six pounds in weight such sum as the person conveying the same may think fit.			

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

*For the Carriage of Single Articles of Great Weight.*

	s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding per ton per mile	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

*Regulations as to Rates.*

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

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

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

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

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

REDDISH URBAN DISTRICT COUNCIL.

A.D. 1900.

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

*Reddish  
Urban District  
Council.*

*Preliminary.*

1. This Order may be cited as the Reddish Urban District Council Tramways Order 1900. Short title.

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

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

Provided that in this Order—

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

The expression "the district" means the urban district of Reddish in the county of Lancaster;

The expression "the Council" means the Urban District Council of Reddish;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor.

4. The Council 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—

Lands.

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

(b) By agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters for the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding

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loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

Provided that they shall not at any time hold for such purposes more than two acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

*Construction of Tramways.*

Construction of  
tramways.

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

(a) construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates points sleepers channels junctions turntables turnouts crossings passing-places weighbridges works and conveniences connected therewith or for the purposes thereof :

(b) 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 nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 1 mile 2 furlongs and 2·10 chains in length of which 6 furlongs and 8·07 chains is single line and 3 furlongs and 4·03 chains is double line commencing in Reddish Road at the boundary of the district at a point 27 yards south-east of the junction of Reddish Road and Frederick Street thence passing in a northerly direction along Reddish Road and Gorton Road and terminating in Gorton Road by a junction with Tramway No. 2 at a point 13 yards north of the junction of Gorton Road and Victoria Street.

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

In Reddish Road between points 7 yards and 73 yards respectively north-east of the junction of Reddish Road and Weston Street and between points 37 yards and 103 yards respectively north-east of the junction of Reddish Road and Greg Street and between points 81 yards and 147 yards respectively north of the junction of Reddish Road and road to Wood Hall and between points 19 yards



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and 85 yards respectively north of a point opposite the centre of gateway to Willow Grove and between points 28 yards and 182 yards respectively north of a point opposite the centre of gateway to Bella Vista and between points 60 yards and 126 yards respectively north of the junction of Reddish Road and Bowlas Lane and between points 182 yards and 248 yards respectively north of the junction of Reddish Road and road to South Cliff and between points 43 yards and 109 yards respectively north-east of a point opposite the centre of gateway to Yew Tree Farm and between points 40 yards and 106 yards respectively north-east of a point opposite the centre of gateway to Atlas Villa and between points 31 yards and 97 yards respectively south of the termination of the tramway.

Provided that so much of Tramway No. 1 as lies in Reddish Road between the road marked on the deposited plans as the road to Wood Hall and the entrance to Church Farm and between a point 120 yards north of such entrance and the south side of the bridge carrying Reddish Road over the London and North Western Railway respectively shall not be constructed unless and until the roadway shall have been widened so as to be of the width of not less than 24 feet.

Tramway No. 2 1 mile 1 furlong and 8·80 chains in length of which 7 furlongs and 1·95 chains is single line and 2 furlongs and 6·85 chains is double line commencing in Broadstone Road at a point 45 yards south-west of the junction of Broadstone Road and Reddish Road thence passing in a northerly direction along Broadstone Road and Gorton Road and terminating in Gorton Road at a point where the boundary of Reddish adjoins that of Gorton and known as Nico Ditch.

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

In Broadstone Road between a point 14 yards from the commencement of the tramway and a point 7 yards north of the junction of Victoria Street and Gorton Road.

In Gorton Road between points 33 yards and 97 yards respectively north of the junction of Schofield Street and Gorton Road and between a point 133 yards south of the junction of Cambridge Street and Gorton Road and between points 80 yards and 172 yards respectively north of the junction of Mill Lane and Gorton Road and between points 160 yards and 95 yards respectively south of the junction of Furnival Street and Gorton Road and between points 70 yards and 130 yards respectively north of the junction of Furnival Street and Gorton Road and between points 127 yards and 192 yards respectively north of Leicester Street and between the Bull's Head Inn and a point 65 yards north thereof.

Provided that so much of Tramway No. 2 as lies in Gorton Road between 1·83 chains from the termination of such tramway and the

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For pro-  
tection of the  
Corporation  
of Stockport.

termination thereof shall not be constructed unless and until the roadway shall have been widened so as to be of a width of not less than 24 feet.

7. The following provisions for the protection of the mayor aldermen and burgesses of the county borough of Stockport (herein-after referred to as "the corporation") shall apply and have effect:—

(1) During the construction of the tramways the Promoters may deviate in such places to such extent and in such manner as the corporation may certify in writing to be necessary for avoiding interference with any mains pipes works or apparatus belonging to the corporation but no such deviation shall be so made as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway to be deviated and the outside of the footpath on one side of the road.

(2) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the corporation with reference to the mains pipes works and apparatus of the corporation for the supply of gas or water in like manner as the same apply to a company or person being the owner of gas or water mains or pipes Provided that all works or interference with or in connection with such mains pipes or apparatus of the corporation under section 30 of the Tramways Act 1870 or otherwise shall be made and executed by the corporation and not otherwise upon the request and at the cost of the Promoters.

(3) The cost of constructing providing and laying any new gas or water mains pipes valves hydrants or other apparatus in substitution for any which may be rendered useless by the construction of the tramways and the value of any gas or water mains pipes valves hydrants or other apparatus belonging to or under the control of the corporation rendered useless or unproductive to the corporation by the works authorised by this Order shall on demand and subject to credit being given for the value of the aforesaid matters so rendered useless to the corporation be repaid to the corporation by the Promoters Provided always that whenever any new main pipe or apparatus of larger dimensions shall be substituted for any existing main pipe or apparatus the Promoters shall only be required to pay the cost which would have been incurred by the substitution of a main pipe or apparatus of equal dimensions with the existing main pipe or apparatus.

(4) The corporation shall not be liable for and the Promoters shall indemnify the corporation (except so far as Tramway No. 1 is concerned during the period of any lease of Tramway No. 1 or any part thereof to the corporation) against all loss to the Promoters by reason of suspension of traffic and all accidents damages or injuries to the tramways works and property of the Promoters and the persons and property being conveyed on or using the same and all actions suits and costs in respect thereof which may either during the progress of the works of the Promoters or at any time hereafter be caused by the bursting breaking or leakage of or escape of gas or water from any main or pipe or other apparatus of the corporation crossing or being underneath (either

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wholly or partially) or near to any tramway or work of the Promoters or which may have been affected by the works of the Promoters unless such damage or injury shall have arisen as the consequence of any wilful act or default of the corporation or their officers or servants.

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 ———  
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*Urban District*  
*Council.*

- (5) The Promoters shall make full compensation to the corporation for any damage or injury which may be occasioned to the mains pipes works or apparatus of the corporation for the supply of gas or water by or in consequence of fusion or electrolytic action or otherwise in consequence of the exercise of the powers of this Order and the amount of such compensation shall in case of difference be determined by arbitration.
- (6) All and singular the sum and sums of money herein-before provided to be paid by the Promoters to the corporation may be recovered by the corporation by all and the same means as any simple contract debt.
- (7) Any matter in difference under this section between the Promoters and the corporation shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

8. For the protection of the Great Central Railway Company and the Sheffield and Midland Railway Companies Committee (in this section respectively referred to as "the Company") the following provisions shall apply and have effect:—

For the protection of the Great Central Railway Company and the Sheffield and Midland Railway Companies Committee.

- (1) All works which may be necessary in constructing and maintaining any of the tramways on over or under any bridge works or property of the 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 company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Promoters.
- (2) Before commencing any works on over or under any bridge or the approaches thereto or other work of the company the Promoters shall give seven days' notice in writing to the company of their intention to execute such works and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works.
- (3) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over or under any railway of the company or of the approaches thereto and they shall so construct maintain and use the tramways on over or under such bridge and the approaches thereto as not injuriously to affect the same Provided further that whenever any of the said tramways on either side of any bridge to which this subsection applies is a single line there shall only be a single line over such bridge and no turnouts or passing-places shall be constructed thereon.

(Superintendence of works affecting railways &c.)

(Notice of intention to execute works.)

(Structure of bridges.)

- (4) In the event of any injury being caused to any such bridge or approaches or other work by the construction maintenance repairing

(Injury to bridges and repair of roads over same.)

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Council.*

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

(Suspension of tramway traffic during alterations in bridges widenings of railways &c.)

(5) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted and be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for and in respect of such stoppage or delay or in any way relating thereto.

(Strengthening of bridges necessitated by mechanical traction.)

(6) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the company all additional expenses which they may incur or be put to in effecting any such widening lengthening strengthening reconstructions alterations repairs lifting or supporting by reason of the existence of the tramway so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(Overhead traction plant.)

(7) In the event of the tramways being worked by electricity on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge or other work of the company.

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*Urban District*  
*Council.*  
(Settlement of  
differences.)

(8) Any matter in difference under this section between the Promoters and the company shall unless otherwise agreed be referred (save where by this section otherwise provided) to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of an engineer nominated by the Board of Trade on the application of either party.

9. In constructing and maintaining the tramways by this Order authorised where the same are intended to cross any bridge carrying any road over any of the railways of the London and North Western Railway Company (in this section referred to as "the company") the following provisions shall have full force and effect and be binding upon the Promoters:—

For the pro-  
tection of the  
London and  
North Western  
Railway  
Company.

(1) The Promoters shall not in any way vary alter or interfere with the structure of such bridge or the approaches thereto and they shall so construct and maintain the tramway and works over such bridge and approaches as not injuriously to affect the same.

(2) In the event of any injury being caused to such bridge or approaches by the construction maintenance repairing use or removal of the said tramway and works the company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned.

(3) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair such bridge or approaches or to widen or alter their railways thereunder or to lift or support such bridge or approach owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and shall find it necessary for effecting any of such purposes that the working and user of the tramway over such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or be wholly or in part taken up or removed and shall except in case of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the said tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer gives such superintendence but only for so long as the company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In case it shall be found that any such strengthening reconstruction or alteration is necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by any mechanical power such strengthening reconstruction or alteration shall be effected in all things at the expense of the Promoters who shall also pay to the company any additional expense which they may incur

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or be put to in effecting any such strengthening reconstruction or alterations or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith.

- (4) All works which may be necessary in constructing and maintaining any tramway over such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the company.
- (5) With respect to Tramway No. 1 where the same will pass in front of the entrances to the Reddish Station of the company no additional crossing passing-place siding junction or other work shall be made for or in connection therewith for the distance thereon extending in front of the said entrances to that station and for the length of ten yards at each end of such distance and without the consent of the company under their common seal no tramcar or other vehicle or carriage used on that tramway shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be absolutely necessary for the purposes of setting down and taking up passengers.
- (6) Any matter in difference under this section between the Promoters and the company shall unless otherwise agreed be referred to the Board of Trade whose decision shall be final or if the Board of Trade think fit to the arbitration of a person nominated by the Board of Trade.

Provisions as  
to construction  
of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways or such part or parts thereof 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 any part or parts thereof 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.

Rails of  
tramways.

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

Penalty  
for not  
maintaining  
rails and roads  
in good  
condition.

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the 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 be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade

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may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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

Tramways  
to be kept on  
level of surface  
of road.

14. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double or interlacing lines in lieu of double or single lines on the tramways and may with the like consent alter the position in the road of any such tramways or any part or parts thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road Provided further that in the exercise of the powers of this section no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Alteration of  
tramways.

15. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than 9 feet 6 inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs  
to be con-  
structed in  
certain cases.

16. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove such cross-overs passing-places sidings triangles junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works of the Promoters Provided that in the construction of any such works no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Additional  
cross-overs  
&c. may be  
made when  
necessary.

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Temporary tramways may be made where necessary.

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

Application of road material excavated in construction of works.

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

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

19. 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.*

Provisions as to motive power.

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

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade.
- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power.
- (3) The Promoters or any company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.
- (4) The Board of Trade if they are of opinion—
  - (a) that the Promoters or such company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered or
  - (b) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public

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



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Mechanical  
power works.

21. For the purposes of working any of the tramways by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences and may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings.

22. All works to be executed by the Promoters in any road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly prescribed) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Mechanical  
power works  
to be subject  
to section 30  
of the Tram-  
ways Act 1870.

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

Byelaws.

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

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

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

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

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

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

24. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

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

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Special provisions as to use of electrical power.

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

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus.
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking.
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents.
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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

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*Urban District*  
*Council.*

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

For pro-  
tection of  
Postmaster-  
General.

(b) In the event of the tramways or any part thereof 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 subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic line 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 10 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 6 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.

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—  
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*Council.*

(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 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 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order.
- (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 over the tramways (or any part thereof) of the Promoters.

*Traffic upon Tramways.*

Traffic upon  
tramways.

27. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels,

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*Reddish  
Urban District  
Council.*  
Promoters not  
bound to carry  
animals goods &c.

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

Provision as  
to carriage  
of animals  
goods &c.

29. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Promoters 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.

Power for  
Promoters  
to suspend  
traffic.

30. The Promoters may after giving twenty-four hours' notice to their lessees or in the case of any unforeseen emergency such as fire or the bursting of water or gas mains forthwith for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Promoters or any gas or water company or by the mayor aldermen and burgesses of the borough of Stockport in connection with their gas or water undertakings or during the time of any public meeting procession or demonstration or for any other purpose which the Promoters having regard to the good government of the district or the safety of the public may deem necessary order that the working of any of the tramways or any part or parts thereof shall be stopped delayed and suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Promoters shall not be liable to pay compensation for damages in respect thereof and for every contravention of the provisions of such order the offender shall be liable to a penalty not exceeding five pounds.

Use of  
tramways  
for sanitary  
purposes.

31. The Promoters may with the previous consent of their lessees (if any) in such manner as they think fit use the tramways free of toll or charge for sanitary purposes and for the conveyance of scavenging stuff night-soil road and sewer material coal pipes and any other materials required for or arising at the works of the Promoters and may for such purposes with the consent of the Board of Trade form connections between any yards or works belonging to the Promoters and the tramways Provided always that in the construction of such connections as aforesaid no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

#### *Rates.*

32. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral

Passengers'  
fares.

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Council.*

As to fares on  
Sundays or  
holidays.

Passengers'  
luggage.

Cheap fares  
for labouring  
classes.

Rates and  
charges for  
animals goods  
&c.

Payment of  
rates.

Periodical  
revision of  
rates and  
charges.

number of miles shall be deemed a mile) but in no case shall the Promoters' lessees be bound to charge a less sum than twopence.

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

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

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

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

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

36. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

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

38. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and

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Council.*

charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

*Miscellaneous.*

39. Notwithstanding anything in the Tramways Act 1870 to the contrary the council may place and run carriages on and may work and may demand and take rates and charges in respect of any of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the council and the council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the council to construct any station for generating electrical power nor to create or permit a nuisance.

Power to  
council to  
work tram-  
ways.

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

Regulations.

41. The Promoters may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into and fulfil contracts and agreements with any local authority or person authorised to enter into such contracts or agreements for and in relation to the construction or working of the whole or any part of the tramways or with respect to the receiving or forwarding of any animals goods minerals or parcels and of the fixing collecting and apportionment of rates charges and other receipts and may with the consent and subject as aforesaid confirm any such contracts and agreements which may have been entered into before the confirmation of this Order.

Agreements  
as to traffic.

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(No. 1) Act, 1900.

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Urban District  
Council.*

Power to lease  
tramways to  
another local  
authority.

42. Subject to the provisions of section 19 of the Tramways Act 1870 (except so far as it restricts the placing or running of carriages by a local authority upon the tramways) the council may by lease demise to the local authority of another district if such last-mentioned authority be authorised to take such lease the undertaking or any part thereof or the right of user of the tramways or such part thereof and of demanding and taking in respect of the same rates and charges and in that event any such local authority may accept any such lease and during the period of any lease may use the tramways or the part thereof referred to in such lease and demand rates 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. Provided that if the tramways or any such part thereof are worked by such local authority or by the persons working the authorised tramways of such local authority the tramways or any such part thereof shall be deemed for the purpose of rates and charges to be part of the tramways authorised by the Acts and Orders authorising the tramways of such local authority and the provisions as to rates and charges of the said Acts and Orders shall apply accordingly.

Orders &c.  
of Board of  
Trade.

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

Recovery of  
penalties.

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

Mortgages to  
include rents  
and rates.

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

Audit of  
accounts.

46. Sections 247 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.

47. 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 purpose of this Order the expression "this Act" where used in that section shall mean this Order.

Form and  
delivery of  
notices.

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

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



[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcviii.]  
(No. 1) Act, 1900.

(2) Any notice to be delivered by or to the Promoters to or by any body or any company or corporation may be delivered by being left at the principal office of such body company or corporation or at the office of the clerk to 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 or to the clerk to the said Promoters.

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*Urban District*  
*Council.*

49. 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.

Provisions as  
to arbitration.

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

Saving for  
general Acts.

**SCHEDULE.**

**RATES AND CHARGES FOR ANIMALS GOODS &C.**

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

*Goods and Minerals.*

For all coals coke culm charcoal cannel limestone chalk lime salt sand  
fireclay cinders dung compost and all sorts of manure and all  
undressed materials for the repair of public roads or highway  
per ton 0 2

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	Per mile.	
	s.	d.
For all iron iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0	3
For cotton wool drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - per ton	0	4
For every carriage of whatever description - - - - -	1	0

*Small Parcels.*

	Any distance.	
	s.	d.
For any parcel not exceeding seven pounds in weight - - - - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0	5
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	0	9
For any parcel exceeding fifty-six pounds in weight such sum as the Promoters' lessees may think fit.		

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

*For the Carriage of Single Articles of Great Weight.*

	Per mile.	
	s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters' lessees 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' lessees may think fit.		

*Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.  
A fraction of a mile beyond an integral number of miles shall be deemed a mile.

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For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton. A.D. 1900.  
*Reddish Urban District Council.*

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

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

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WIGAN CORPORATION.

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

1. This Order may be cited as the Wigan Corporation Tramways Order 1900. Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order Provided that the provisions of section seven of the Telegraph Act 1878 shall apply (instead of the provisions of section thirty of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Order has the same meaning as in the Telegraph Act 1878. Incorporation of Acts.

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

4. The mayor aldermen and burgesses of the borough of Wigan 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 construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all Construction of tramways.

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—  
*Wigan*  
*Corporation.*

proper rails plates sleepers channels junctions turntables turnouts crossings passing-places offices stables carriage engine boiler and dynamo houses sheds buildings works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (2 furlongs 8·38 chains in length whereof 2 furlongs 1·28 chains will be single line and 7·10 chains will be double line) commencing in Standishgate by a junction with the authorised tramway at a point 70 links south of Crompton Street proceeding thence along Standishgate and Wigan Lane and terminating in Wigan Lane by a junction with the authorised tramway at a point 42 links north of Clifton Street.

This tramway will be laid as single line except at the following places where it will be laid as double line (namely):—

- (A) In Wigan Lane from a point 67 yards south of Douglas Road for a distance of 78 yards in a northerly direction.
- (B) In Standishgate from a point 20 yards north of Crompton Street for a distance of 78 yards in a northerly direction.

Tramway No. 2 (single line 1 furlong 1·89 chains in length) commencing in New Market Street by a junction with the authorised tramway at a point 55 links south-west of Mesnes Street proceeding thence into and along Mesnes Street and Standishgate and terminating in Standishgate by a junction with the intended Tramway No. 1 at a point 60 links north of Crompton Street.

Tramway No. 3 (single line 4·30 chains in length) commencing in Market Street by a junction with the authorised tramway at a point 1 chain 40 links south of Hallgate proceeding thence along Market Street and Market Place and terminating in that place by a junction with the authorised tramway at a point 50 links north of Commercial Yard.

Application of  
provisions of  
Act of 1898.

6. The following provisions of the Wigan Corporation Act 1898 (that is to say):—

- Section 10 (power to purchase additional lands by agreement);
- Section 14 (incorporation of sections of Wigan Tramways Order 1884 and Wigan Corporation Act 1893);
- Section 15 (for the purposes of traffic and tolls tramways to form part of tramways authorised by Wigan Tramways Order 1879);
- Section 17 (as to fares on Sundays or holidays);
- Section 18 (alteration of tramways);
- Section 20 (provisions as to motive power);
- Section 21 (construction of electric works);

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Section 22 (byelaws);  
Section 23 (special provisions as to the use of electric power);  
Section 25 (for protection of the Postmaster-General);  
Subsection (2) of section 29 (power to Corporation to work tramways);  
and  
Section 30 (regulations)

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*Wigan*  
*Corporation.*

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways authorised by this Order as if such tramways had been authorised by the Wigan Corporation Act 1898.

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

Cheap fares  
for labouring  
classes.

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

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

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