



CHAPTER cxcix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bedford Corporation Tramways Bootle Corporation Tramways Radcliffe Urban District Council Tramways St. Helens Corporation Tramways and Warwick Tramways. A.D. 1900.
[6th August 1900.]

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

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

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

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

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

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 Protection of houses of labouring class.

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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.

LIST OF ORDERS.

- BEDFORD CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of Bedford to construct Tramways and for other purposes.
- BOOTLE CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of Bootle to construct additional Tramways in their Borough.
- RADCLIFFE URBAN DISTRICT COUNCIL TRAMWAYS.**—Order authorising the Urban District Council of Radcliffe to construct Tramways in their District and for other purposes.
- ST. HELENS CORPORATION TRAMWAYS.**—Order authorising the Mayor Aldermen and Burgesses of the Borough of St. Helens to construct additional Tramways in their Borough.
- WARWICK TRAMWAYS.**—Order authorising the alteration of the gauge of so much of the tramways of the Leamington and Warwick Tramways and Omnibus Company Limited as is situate in the Borough of Warwick and the working of the same by mechanical power.

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Order authorising the Mayor Aldermen and Burgesses of the Borough of Bedford to construct Tramways and for other purposes. Bedford Corporation.

Preliminary.

1. This Order may be cited as the Bedford 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. 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 Corporation” means the mayor aldermen and burgesses of the borough of Bedford in the county of Bedford acting by the council;

The expression “the borough” means the borough of Bedford;

The expression “mechanical power” includes electrical and every other motive power not being animal power;

The expression “engine” includes motor.

Promoters.

4. The Corporation 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—

(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 from time to time vested in them being part of their corporate estates;

(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 or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters

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

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

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 as “the deposited plans” and “the deposited sections”) the tramways hereinafter described with all proper rails points junctions plates works and conveniences connected therewith or for the purposes thereof ;

(b) Erect or construct on any lands taken or appropriated under the powers of this Order any offices 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.

Provided also that notwithstanding the deposited plans the distance between the centres of double lines shall not without the consent of the Board of Trade exceed what is necessary to secure a clearance of fifteen inches between the sides of cars passing one another.

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

Tramway No. 1 (6 furlongs 3·64 chains in length whereof 4 furlongs 8·57 chains will be single line and 15·07 chains will be double line) commencing in Kempston Road 50 links or thereabouts from the borough boundary and passing thence along Kempston Road and Cauldwell Street and terminating in St. Mary's Street at a point opposite the north-west corner of St. Mary's Church by a junction with proposed Tramway No. 3. Tramway No. 1 will be laid as a single line except between the points hereinafter specified where it will be a double line namely:—

(a) In Kempston Road for a length of 3 chains between points respectively 2 chains and 5 chains eastward of the point of commencement of the said tramway ;

- (b) In Kempston Road for a length of 6·07 chains between points respectively 8·31 chains and 14·38 chains eastward from the point of commencement of the said tramway ;
- (c) In Kempston Road for a length of 3 chains westward of a point 35·09 chains or thereabouts from the commencement of the said tramway ;
- (d) In Cauldwell Street for a length of 3 chains between points 53·49 chains and 56·49 chains or thereabouts from the commencement of the said tramway.

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Tramway No. 2 (5 furlongs 7·58 chains in length whereof 5 furlongs 1·58 chains will be single line and 6 chains double line) commencing in the Ampthill Road at the borough boundary and passing along that road and Britannia Road terminating in Cauldwell Street opposite the Britannia Works by a junction with Tramway No. 1 at a point 1·1 chains or thereabouts eastwards from the junction of Britannia Road and Cauldwell Street.

Tramway No. 2 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line namely :--

- (a) In Ampthill Road for a length of 3 chains between points respectively 16 chains and 19 chains northward of the point of commencement of the said tramway ;
- (b) In Britannia Road for a length of 3 chains between points respectively of about 4·60 chains and 1·60 chains south of the termination of the said tramway.

Tramway No. 3 (3 furlongs 6·75 chains in length whereof 2 furlongs 3·45 chains will be laid as a single line 9 chains will be double line and 4·3 chains will be interlaced lines) commencing in High Street by a junction with proposed Tramway No. 5 at the south-east corner of St. Paul's Square at a point in a line with the south boundary of the Market Place and thence passing along St. Mary's Street St. John's Street and terminating at a point in that street immediately opposite the north-east corner of St. Leonard's Avenue.

Tramway No. 3 will be laid as a single line except between the points herein-after specified where it will be laid as a double line namely :--

- (a) In St. Mary's Street for a length of 3 chains between points respectively 9·13 chains and 12·13 chains from the commencement of the said tramway ;
- (b) In St. John's Street for a length of 3 chains between points respectively 16·38 chains and 19·38 chains from the commencement of the said tramway ;
- (c) In St. John's Street for a length of 3 chains between points respectively 1 chain and 4 chains from the termination of the said tramway.

Tramway No. 3 will be laid as an interlaced line between points 2·55 chains and 6·85 chains from the commencement of the said tramway.

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Tramway No. 4 (4 furlongs 5·60 chains in length whereof 3 furlongs 7·35 chains will be single line and 8·25 chains will be double line) commencing at a point opposite the entrance to the Midland Railway Station and in a line with the eastward side of Ashburnham Road thence passing along Midland Road Harpur Street and St. Paul's Square and terminating in High Street by a junction with Tramway No. 3 at a point 1·25 chains or thereabouts from the commencement of that tramway.

Provided that notwithstanding the deposited plans Tramway No. 4 shall be laid in the centre of the road.

Tramway No. 4 will be laid as a single line except between the points herein-after specified where it will be a double line namely:—

- (a) In Midland Road for a length of 2·25 chains eastward from a point 75 links or thereabouts from the commencement of the said tramway;
- (b) In Midland Road for a length of 3 chains eastward from the junction of River Street with that road;
- (c) In St. Paul's Square for a length of 3 chains westward from a point 4 chains or thereabouts from the termination of the said tramway.

Tramway No. 5 (5 furlongs 3 chains in length whereof 4 furlongs and 4·75 chains will be single line and 8·25 chains will be double line) commencing in High Street by a junction with and at the commencement of Tramway No. 3 thence passing along High Street Tavistock Street and De Parys Avenue and terminating in the centre of Park Avenue at its junction with De Parys Avenue.

Tramway No. 5 will be laid as a single line except between the points herein-after specified where it will be a double line namely:—

- (a) In High Street northward for a length of 2·25 chains from the commencement of the said tramway;
- (b) In Tavistock Street and De Parys Avenue for a length of 3 chains northward from a point 21 chains or thereabouts from the commencement of the said tramway;
- (c) In De Parys Avenue for a length of 3 chains southward from a point 9 chains or thereabouts from the termination of the said tramway.

Tramway No. 6 (7 furlongs 5·50 chains in length whereof 6 furlongs 9·50 chains will be single line and 6 chains will be double line) commencing in Bromham Road at a point along the centre of the road 2 chains or thereabouts from the borough boundary and passing along the said Bromham Road and Dame Alice Street and terminating in the centre of High Street at the point of crossing the centre of Tramway No. 5 and junction with Tramway No. 8.

Tramway No. 6 will be laid as a single line except between the points hereinafter specified where it will be a double line namely:—

- (a) In Bromham Road for a length of 3 chains eastward from a point 1 chain or thereabouts from the commencement of the said tramway;

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(b) In Bromham road for a length of 3 chains between points 1 chain 40 links and 4 chains 40 links or thereabouts westward from a point directly opposite the north-west corner of Conduit Road. A.D. 1900.
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Tramway No. 7 (1 mile 0 furlong 7·50 chains in length whereof 1 mile 0 furlong 1·50 chains will be single line and 6 chains will be double line) commencing in Clapham Road at a point 36 links or thereabouts north of the entrance to the waterworks and passing along that road and Tavistock Street terminating by a junction with Tramway No. 5 at a point 1·60 chains or thereabouts from the north-west corner of Dame Alice Street.

Tramway No 7 will be laid as a single line except between the points hereinafter specified where it will be a double line namely :—

(a) In Clapham Road for a length of 3 chains south-eastward from a point 11 chains or thereabouts from the commencement of the said tramway ;

(b) In Clapham Road or Tavistock Street for a length of 3 chains from the south-east corner of Park Road to the south-east corner of Russell Street.

Tramway No. 8 (4 furlongs 9·72 chains in length whereof 4 furlongs 2·22 chains will be single line and 7·50 chains will be double line) commencing in High Street by a junction with and at the termination of Tramway No. 6 and passing along St. Peter's Street and Kimbolton Road and terminating in that road at a point opposite or thereabouts the south-eastern corner of St. Augustine's Road.

Tramway No. 8 will be laid as a single line except between the points herein-after specified where it will be a double line namely :—

(a) In St. Peter's Street for a length of 4·5 chains eastward from a point 2 chains or thereabouts from the commencement of the said tramway ;

(b) In Kimbolton Road 3 chains in length southwards from a point 1 chain or thereabouts from the termination of the said tramway.

Tramway No. 9 (6 furlongs 7·51 chains in length whereof 5 furlongs 6·63 chains will be single line and 1 furlong 0·88 chain will be double line) commencing by a junction with Tramway No. 8 at the junction of Goldington and Kimbolton Roads thence along Goldington Road and terminating in that road at the borough boundary.

Tramway No. 9 will be laid as a single line except between the points herein-after specified where it will be a double line namely :—

(a) Goldington Road for a length of 4·88 chains between points respectively 4·80 chains and 9·68 chains from the commencement of the said tramway ;

(b) In Goldington Road for a length of 3 chains westward from a point 31·76 chains or thereabouts from the termination of the said tramway ;

(c) In Goldington Road for a length of 3 chains westward from a point 1 chain from the termination of the said tramway.

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Tramway No. 10 (2 furlongs 8·20 chains in length whereof 2 furlongs 4·6 chains will be single line and 3·60 chains will be double line) commencing in Midland Road at a point 50 links or thereabouts from the north-west corner of Prebend Street and passing along that street and Cauldwell Road terminating in Cauldwell Street by a junction with Tramway No. 1 at a point 75 links or thereabouts measured in a south-westerly direction on No. 1 Tramway from a point where the centre line of Cauldwell Road would intersect such tramway.

Tramway No. 10 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line namely:—

In Cauldwell Road between points respectively 8·40 chains and 12 chains from the termination of the said tramway.

Tramway No. 11 (3 furlongs 9 chains in length whereof 3 furlongs 6 chains will be single line and 3 chains double line) commencing with a junction with Tramway No. 3 at a point 90 links or thereabouts south from the commencement of the said tramway passing thence along part of High Street and the Embankment and terminating in the Embankment at a point 1 chain or thereabouts westward of the point of intersection of two imaginary lines one being the centre of Bushmead Avenue and the other the centre of the roadway of the Embankment.

Provided that notwithstanding anything shown on the deposited plans Tramway No. 11 shall be so laid that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath on the north side of the road and the nearest rail of the tramway opposite the line of frontage of the town and county club.

Tramway No. 11 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say):—

On the Embankment for a distance of 3 chains westward from a point about 30 links westward of the point of intersection of the tramway with an imaginary line drawn along the centre of Albany Street.

Tramway No. 12 (3 furlongs 3 chains 25 links in length whereof 3 furlongs 25 links will be single line and 3 chains double line) commencing with a junction with Tramway No. 11 at the termination of that tramway passing thence along part of the Embankment Bushmead Avenue and Goldington Road and terminating at a junction with Tramway No. 9 in Goldington Road at a point 75 links or thereabouts eastward of the point of intersection of an imaginary line drawn along the centre of Bushmead Avenue and of the centre of Tramway No. 9.

Tramway No. 12 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say):—

In Bushmead Avenue for a distance of 3 chains northward from a point about 30 links northward of the point of intersection of the tramway with an imaginary line drawn along the centre of Gery Street.

Tramway No. 13 (3 furlongs 2 chains in length whereof 2 furlongs 9 chains will be single line and 3 chains double line) commencing with a junction

with Tramway No. 9 in the Goldington Road at a point on the said tramway 90 links or thereabouts westward of the point of intersection of an imaginary line along the centre of Howbury Street and the centre line of Tramway No. 9 thence passing along Goldington Road Goldington Avenue Kimbolton Avenue and Kimbolton Road and terminating at a junction with Tramway No. 8 at a point on the said tramway 50 links or thereabouts south westward from the point of intersection of an imaginary line along the centre of Kimbolton Avenue and an imaginary line along the centre of Tramway No. 8.

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Tramway No. 13 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line (that is to say):—

In Goldington Avenue for a distance of 3 chains southward from a point about 30 links southward of the point of intersection of an imaginary line along the centre of Merton Road and an imaginary line along the centre of Goldington Avenue.

Tramway No. 14 (1·18 chains in length the whole of which will be single line) commencing in Tavistock Street at a junction with Tramway No. 5 at a point 1·05 chains or thereabouts northwards of the point of intersection of an imaginary line along the centre of Dame Alice Street with an imaginary line along the centre of Tramway No. 5 thence along Tavistock Street and turning into St. Peter's Street and terminating by a junction with Tramway No. 8 at a point 0·91 chain or thereabouts from the commencement of that tramway.

Tramway No. 15 (1·03 chains in length the whole of which will be single line) commencing in High Street by a junction with Tramway No. 5 at a point 0·37 chain or thereabouts southwards of the point of intersection of an imaginary line along the centre of Dame Alice Street with an imaginary line along the centre of Tramway No. 5 and thence along High Street turning into St. Peter's Street where it terminates by a junction with Tramway No. 8 at a point 66 links or thereabouts from the commencement of that tramway.

Tramway No. 16 (1·03 chains in length the whole of which will be single line) commencing by a junction with Tramway No. 6 in Dame Alice Street at a point 0·67 chain or thereabouts westward of the point of intersection of two imaginary lines one along the centre of Dame Alice Street and the other along the centre of High Street and thence along Dame Alice Street and turning into High Street where it terminates at a point 0·72 chain southward of the point of intersection of the two imaginary lines previously referred to.

Tramway No. 17 (1 chain in length the whole of which will be single line) commencing by a junction with Tramway No. 10 at a point 0·57 chain or thereabouts northwards of the point of intersection of two imaginary lines one following the centre of Cauldwell Road and the other that of Cauldwell Street and thence along Cauldwell Road and turning into Cauldwell Street where it terminates at a junction with Tramway No. 1 at a point

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0·60 chain or thereabouts eastward of the point of intersection of the two imaginary lines previously referred to.

Tramway No. 18 (0·65 chain in length the whole of which will be single line) commencing by a junction with Tramway No. 10 in Cauldwell Road at a point 1·22 chains or thereabouts south-eastward from the point of intersection of two imaginary lines one along the centre of Commercial Road and the other along the centre of Cauldwell Road and thence along and across Cauldwell Road to property belonging to the Corporation of Bedford on the north-east side of Cauldwell Road at a point 1·80 chains or thereabouts from an imaginary centre line in Commercial Road measured in a direct line from the frontage of the said property facing the north-east side of Cauldwell Road.

Tramway No. 19 (0·65 chain in length the whole of which will be single line) commencing by a junction with Tramway No. 10 in Cauldwell Road at a point 2·6 chains or thereabouts south-eastward from the point of intersection of two imaginary lines one along the centre of Commercial Road and the other along the centre of Cauldwell Road and thence along and across Cauldwell Road to property belonging to the Corporation of Bedford on the north-east side of Cauldwell Road at a point 2·05 chains or thereabouts from an imaginary centre line in Commercial Road measured in a direct line from the frontage of the said property facing the north-east side of Cauldwell Road.

Tramway No. 20 (3 furlongs 8·50 chains in length whereof 1 furlong 8·37 chains will be single line and 2 furlongs 0·13 chain double line) commencing at the point of intersection of imaginary centre lines of Raleigh Street and Ford End Road respectively thence passing along Ford End Road and terminating in Midland Road by a junction with Tramway No. 4 at a point 0·30 chain or thereabouts westward of the intersection of imaginary centre lines of Rutland Road and Tramway No. 4 respectively.

Tramway No. 20 will be laid as a single line except between the points hereinafter specified where it will be laid as a double line namely:—

(a) In Ford End Road for a distance of 2·25 chains between points respectively 0·75 chain and 3 chains from the commencement of the said tramway;

(b) In Ford End Road for a distance of 17·88 chains between points respectively 19 chains and 36·88 chains from the commencement of the said tramway.

It is proposed to lay the tramway so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches will intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway in the cases of the following tramways and at the points hereinafter mentioned with respect to each of them viz.:—

Tramway No. 1.—(a) In Kempston Road on both sides between points respectively 8·31 chains and 14·38 chains eastward of the point of commencement of the said tramway;

- (b) In Kempston Road on both sides for a length of 3 chains westward of the junction of that road with Britannia Road ;
- (c) In Cauldwell Street on both sides between points respectively 53·49 chains and 56·49 chains from the commencement of the said tramway.
- Tramway No. 2.—In Britannia Road on both sides between points respectively 4·60 chains and 1·60 chains south-east of the termination of the said tramway.
- Tramway No. 3.—(a) In High Street on both sides between points respectively 2·55 chains and 6·85 chains from the commencement of the said tramway ;
- (b) In St. John's Street on both sides for a length of 1·03 chains southward from the junction of Cauldwell Street with St. John's Street ;
- (c) In St. John's Street on the east side 4 chains northward from the termination of the said tramway.
- Tramway No. 4.—(a) In Midland Road on both sides 3 chains from the commencement of the said tramway ;
- (b) In Midland Road on both sides between points respectively 3 chains and 3·60 chains westward of the junction of that road with Harpur Street ;
- (c) In St. Paul's Square on the north side of the road on the south side of the square between points respectively 0·8 chain and 1·50 chains westward of the termination of the said tramway.
- Tramway No. 5.—In High Street on both sides 2·25 chains from the commencement of the said tramway.
- Tramway No. 9.—(a) In Goldington Road on both sides between points respectively 4·80 chains and 9·68 chains from the commencement of the said tramway ;
- (b) On both sides between points respectively 1 chain and 4 chains from the termination of the said tramway.
- Tramway No. 10.—In Cauldwell Road on both sides between points respectively 8·40 chains and 12 chains from the termination of the said tramway.
- Tramway No. 11.—On the embankment on the north side between points respectively 3·16 chains and 13·13 chains from the commencement of the said tramway.
- Tramway No. 12.—In Bushmead Avenue between points respectively 0·65 chain and 2·85 chains northward of the point of intersection of the centre lines of Gery Street and Bushmead Avenue respectively.
- Tramway No. 13.—In Goldington Avenue between points respectively opposite the south-east corner of Merton Road and 3 chains southward therefrom.
- Tramway No. 20.—(a) In Ford End Road on both sides of the road for a distance of 2·25 chains between points respectively 0·75 chain and 3 chains from the commencement of the said tramway ;
- (b) On both sides of the road only for a distance of 17·88 chains between points respectively 19 chains and 36·88 chains from the commencement of the said tramway.

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For protection
of the Midland
Railway
Company.

Tramway No. 20 shall not be constructed between the end of the approach road to the Midland Railway and the termination of that tramway unless and until the roadway between those points has been widened on the south-east side.

7. In constructing and maintaining so much of the tramways authorised by this Order as will affect the property of the Midland Railway Company (hereinafter called "the Midland Company") and in constructing and maintaining the tramways where the same will pass over bridges belonging to the Midland Company or which they are bound to maintain and repair the Promoters shall be subject to the following conditions:—

- (1) The tramway shall be so constructed and maintained as not to obstruct or interfere with the property of the Midland Company or with the free access for passengers and vehicles to their Bedford Station.
- (2) The commencement of Tramway No. 4 shall be at such a point near the said station as may be agreed on between the Promoters and the Midland Company and the works thereof shall be carried out in such manner and according to plans to be previously submitted to and reasonably approved by the principal engineer for the time being of the Midland Company or in case of difference as shall be settled by an engineer to be appointed as hereinafter provided.
- (3) The said tramways shall be constructed and maintained along the centre of the roadway of the said bridges and as a single line only except in Tramway No. 1 where it passes over the Midland Railway main line and in Tramway No. 20 where in each case there will be a double line the centres of each tramway being unless otherwise required by the Board of Trade 3 feet 7½ inches from the centre of the road.
- (4) The Promoters shall not in any way alter or interfere with the structure of the said bridges or of the approaches piers and abutments thereof and they shall so construct and maintain such tramways as not injuriously to affect the said bridges or the approaches piers and abutments thereof.
- (5) Whenever the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair any of such bridges or approaches and they shall find it necessary for effecting any of such purposes that the working and user of the tramways over any of such bridges shall be wholly or partially stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Promoters seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways over any of such bridges shall be stopped or delayed or the tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer but only for so long as the Midland Company may find to be absolutely necessary for effecting such purposes and so that all works executed by them under this enactment shall be completed with the utmost reasonable expedition and the Midland Company shall not be liable for any compensation claims demands costs or

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expenses for or in respect of such stoppage or delay or in any way relating thereto. And in case the principal engineer of the Midland Company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or vehicles on such tramways being or being intended to be moved by steam or any mechanical power such strengthening shall be effected unless in case of difference between the Promoters and the Midland Company an arbitrator appointed by the Board of Trade shall determine that such strengthening was not reasonably required by the use of the tramways as aforesaid the expense of the works so executed shall be borne by the Promoters.

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(6) Whenever such tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge or approaches and no turnouts or passing places shall be constructed thereon.

(7) All works which may be necessary in constructing and maintaining the tramways over such bridges or approaches shall be constructed and maintained in all things at the expense of the Promoters under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing and in case of difference between the Promoters and such engineer by an engineer to be appointed by the Board of Trade on the application of the Midland Company or the Promoters.

(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 a person nominated by the Board of Trade.

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

Gauge and width of carriages.

9. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the railway company") shall apply and have effect.

For the protection of the London and North Western Railway Company.

The Promoters shall not construct any additional crossing passing place or siding for or in connection with Tramway No. 1 where the same will pass in front of the entrance to the Goods Station in Cauldwell Street of the railway company and for a length of ten yards at each end of such distance and without the consent of the railway company under their common seal no tramcar or other vehicle or carriage used on that tramway shall be stopped or permitted to

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 2) Act, 1900.

A.D. 1900. be stopped within such distance and lengths except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers.

Bedford Corporation.

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 and 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 satisfaction of the road authority as provided by the said section.

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 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 borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

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

14. The Promoters may with the consent of the Board of Trade and subject in places where the Promoters may not be the road authority to the approval of that authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of the tramways the road in which the same or any part thereof is laid shall be altered in level or widened the Promoters may with the like consent and approval take up and remove such tramways or part thereof

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and reconstruct the same in such position as they may think fit 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 the said rail 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.

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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 and they are hereby required to 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 constructed in certain cases.

16. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all 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 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.

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 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 to such regulations as that authority may make.

Temporary tramways may be made when necessary.

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.

Application of road materials excavated in construction of works.

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.

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

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Motive Power.

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

Works for
applying
mechanical
power.

21. For the purpose of working the tramways by electrical power the Promoters and their lessees may subject to the provisions of this Order erect construct and maintain on any lands taken or appropriated under the powers of this Order stations for generating electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences and may use the same and may place construct erect lay down make and maintain on above or below the surface of any street or road such posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings as may be requisite or necessary and may for that purpose open and break up any road in which the tramways so to be worked by electrical power or any of them may be situate and any sewers drains water or gas-pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

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

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 provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned

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23. 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):—

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 Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engines 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 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.

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

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:—

Special provisions as to use of electric power.

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

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other 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

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Corporation.*

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 a period 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 any person owning working or running carriages over any tramway of the Promoters.

For protection
of the
Postmaster-
General.

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 an 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 sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator ;

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Corporation.

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

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

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

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

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through

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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.

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.

Provisions 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.

Interchange of traffic.

30. The Promoters' lessees or any other persons for the time being using the tramways on the one hand and any company authority or person lawfully working or using any other tramways on the other hand may enter into and fulfil contracts and agreements for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways and for and in relation to the use 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.

Rates.

Passengers' fares.

31. 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 twopence.

32. The Promoters' lessees 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.

As to fares on Sundays and holidays.

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

Passengers' luggage.

34.—(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 per 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.

35. 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.

Rates and charges for animals goods &c.

36. 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.

Payment of rates.

37. 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 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

Periodical revision of rates.

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Miscellaneous.

Power to Corporation to work tramways.

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

Regulations.

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

Mortgage to include rents and rates.

40. 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.

Power to combine with other authorities.

41. The Promoters may with the consent of the Board of Trade enter into and carry into effect agreements with any neighbouring local authority authorised to enter into such agreements or with any company working tramways in any neighbouring district for the effective or more effective or economical working of the tramways within the borough by combination with such neighbouring authority or company and may in pursuance of any such agreement grant running powers over the tramways of the Promoters or run

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the tramcars belonging to the Promoters outside the borough and may demand and take tolls and charges in respect thereof.

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42. 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 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 or the fixing collecting and apportionment of rates charges and other receipts and may confirm any such contracts and agreements which may be entered into before the confirmation of this Order.

Working agreements.

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.

Orders &c. of the Board of Trade.

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.

Recovery of penalties.

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

Audit of accounts.

46. 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.

47. 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.

Power to hold patents.

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):—

Form and delivery of notices.

(1) Every notice shall be in writing and if given by the Promoters or 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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Bedford Corporation.
Provisions as to arbitration.

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.

Saving for general Acts.

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.

SCHEDULE.

TOLLS AND RATES 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 fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings (including railway chairs) -	per ton	0	2½
For all sugar grain 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

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	Any Distance.		A.D. 1900.
	s.	d.	
<i>Small Parcels.</i>			
For any parcel not exceeding seven pounds in weight	0	2	<i>Bedford Corporation.</i>
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	0	4	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	0	6	
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 but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit.			

Provided always that articles sent in large aggregate quantities although made up in several 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.

	Per Mile.	
	s.	d.
<i>For the Carriage of Single Articles of Great Weight.</i>		
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	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

Regulations as to Rates.

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

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

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

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

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

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BOOTLE CORPORATION.

Bootle Corporation.

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

Preliminary.

Short title.

1. This Order may be cited as the Bootle Corporation Tramways Order 1900 and the Bootle-cum-Linacre Corporation Tramways Order 1881 the Bootle-cum-Linacre Corporation Tramways Order 1884 and this Order may be jointly cited as the Bootle Corporation Tramways Orders 1881 1884 and 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 Corporation" means the mayor aldermen and burgesses of the county borough of Bootle acting by the Council ;

The expression "the borough" means the said borough of Bootle ;

The expression "the Order of 1881" means the Bootle-cum-Linacre Corporation Tramways Order 1881 ;

The expression "the Order of 1884" means the Bootle-cum-Linacre Corporation Tramways Order 1884 ;

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

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

The expression "the existing tramways" means the existing tramways of the Promoters authorised by the Order of 1881 and the Order of 1884 ;

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

Lands.

Lands.

5. The Promoters may—

(a) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and

use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates ;

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- (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 tramway purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands 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 junctions turntables turnouts 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 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 and are as follows (that is to say) :—

Tramway No. 1 (single line 4 furlongs 1·83 chains in length) to be situate in Stanley Road commencing at a point 36½ yards south of the intersection of the centre lines of Marsh Lane and Stanley Road and

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terminating at the borough boundary by a junction with an existing tramway in the district of Litherland at a point 18 yards south of the intersection of the centre lines of Stanley Road and Alpha Street.

Tramway No. 2 (double line 6 furlongs 0·303 chain in length) to be situate in Rimrose Road Knowsley Road and Stanley Road commencing in Rimrose Road by a junction with the existing tramway and Tramway No. 3 at a point 18 yards south of the intersection of the centre lines of Knowsley Road and Rimrose Road and terminating in Stanley Road by a junction with the existing tramway and Tramway No. 1 at a point 17 yards south of the intersection of the centre lines of Knowsley Road and Stanley Road.

Tramway No. 2A (double line 1·32 chains in length) commencing in Knowsley Road by a junction with Tramway No. 2 at a point 20 yards west of the intersection of the centre lines of Knowsley Road and Stanley Road thence passing into and terminating in Stanley Road by a junction with the existing tramway and Tramway No. 1 at a point 22 yards north of the intersection of the centre lines of Knowsley Road and Stanley Road.

Tramway No. 3 (4·94 chains in length whereof 3·88 will be single line and 1·06 chains will be double line) to be situate in Rimrose Road commencing by a junction with the existing tramway in Rimrose Road at a point $81\frac{1}{2}$ yards south-east of the intersection of the centre lines of Knowsley Road and Rimrose Road and terminating at the borough boundary at a point 16 yards south-east of the intersection of the centre lines of Fort Road and Crosby Road South.

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

From a point 18 yards south-east of the intersection of the centre lines of Knowsley Road and Rimrose Road to a point $4\frac{1}{2}$ yards north of the intersection of the said centre lines.

Tramway No. 4 (double line 2 furlongs 9·63 chains in length) to be situate in Strand Road Regent Road Lyster Road and Rimrose Road commencing in the first-named road by a junction with the existing tramway in such road at a point $22\frac{1}{2}$ yards east of the intersection of the centre lines of Derby Road and Strand Road and terminating by a junction with the existing tramway in Rimrose Road at a point 12 yards south of the intersection of the centre lines of Lyster Road and Rimrose Road.

Tramway No. 4A (double line 0·86 chain in length) commencing in Lyster Road by a junction with Tramway No. 4 at a point 12 yards west of the intersection of the centre lines of Rimrose Road and Lyster Road and terminating by a junction with the existing tramway in Rimrose Road at a point 12 yards north of the intersection of the centre lines of Lyster Road and Rimrose Road.

For the pro-
tection of the
Liverpool
Corporation.

7. The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the mains pipes tubes and apparatus of the mayor aldermen and

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citizens of the city of Liverpool as if they were a company within the meaning of that section.

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8. For the protection of the Midland Railway Company (in this section called "the Company") the following provisions shall unless otherwise agreed between the Promoters and the Company have effect:—

For protection of the Midland Railway Company.

- (1.) In constructing the Tramway No. 4 where it crosses on the level in Lyster Road the railway or sidings of the Company leading from their Bootle Goods Branch to the Alexandra Dock Lines the works affecting the said level crossings shall be executed in all respects under the superintendence and to the reasonable satisfaction of the engineer of the Company.
- (2.) If in consequence of the construction of Tramway No. 4 any additional precautions shall become necessary for the protection of the said railway lines at the point of crossing such additional precautions shall be provided and maintained at the expense of the Promoters.
- (3.) 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 a person nominated by the Board of Trade.
- (4.) Nothing in this section shall relieve the Company from their obligation to keep in good repair and condition their rails and sidings in Lyster Road aforesaid and the under work thereof and to execute such repairs to the road as may be necessary and consequent upon repairs to the said rails sidings and underwork.

9. For the protection of the London and North Western Railway Company (in this section called "the Company") the following provisions shall unless otherwise agreed between the Promoters and the Company have effect:—

For protection of the London and North Western Railway Company.

- (1.) In constructing the Tramway No. 4 where it crosses on the level in Strand Road the railway or sidings of the Company leading from their Alexandra Dock Station to the Alexandra grain warehouses the works affecting the said level crossings shall be executed in all respects under the superintendence and to the reasonable satisfaction of the engineer of the Company.
- (2.) If in consequence of the construction of Tramway No. 4 any additional precautions shall become necessary for the protection of the said railway lines at the point of crossing such additional precautions shall be provided and maintained at the expense of the Promoters.
- (3.) 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 a person nominated by the Board of Trade.

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(4.) Nothing in this section shall prejudicially affect or alter the provisions with regard to the said level crossing contained in section 33 of the London and North Western Railway Act 1884.

(5.) The provisions of section eight (For protection of London and North Western Railway Company) of the Order of 1881 shall apply to the exercise of the powers of section sixteen of this Order so far as they may affect the bridge referred to in the said section eight in the same manner and to the same extent as they apply to the construction of tramways across the said bridge.

For protection
of the Lanca-
shire 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 have effect:—

(1.) In constructing the Tramway No. 4 where it crosses on the level in the Lyster Road the railway or sidings of the Company leading from their North Mersey Station to the Alexandra grain warehouses the works affecting the said level crossings shall be executed in all respects under the superintendence and to the reasonable satisfaction of the engineer of the Company.

(2.) If in consequence of the construction of Tramway No. 4 any additional precautions shall become necessary for the protection of the said railway lines at the point of crossing such additional precautions shall be provided and maintained at the expense of the Promoters.

(3.) 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 a person nominated by the Board of Trade.

(4.) Nothing in this section shall alter or prejudicially affect the terms and provisions of the agreements between the Company and the Promoters with regard to the level crossings of the Company in the road aforesaid dated respectively the 23rd day of November 1888 and the 9th day of October 1895.

Application of
provisions of
Order of 1881.

11. The following provisions of the Order of 1881 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways authorised by this Order as if they were re-enacted in this Order (that is to say):—

Section 10. Provisions as to construction of tramways.

Section 11. As to rails of tramways.

Section 12. Penalty for not maintaining rails and road in good condition.

Section 13. Passing-places to be constructed where less than a certain width left between footway and tramway.

Section 15. Temporary tramways may be made when necessary.

Section 16. Application of road materials excavated in construction of works.

Section 17. Tramways not to be opened until certified by Board of Trade.

12. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways or the existing tramways are 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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Tramways to be kept on level of surface of road.

Alteration of tramways.

13. 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 or the existing 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 such 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.

14. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such cross-overs passing places sidings triangles junctions and other works in addition to those particularly specified in and authorised by this Order the Order of 1881 and the Order of 1884 as they find necessary or convenient for the efficient working of the tramways or the existing tramways or for facilitating the traffic of the roads in which the same are laid or for providing access to any stables or 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.

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

Motive Power.

15. The carriages used on the tramways and the existing 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;

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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 said tramways and for regulating the use of electrical power ;

(3.) The Promoters or any company or person using any mechanical power on the said 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 :

Provided that until the Board of Trade shall have made regulations in pursuance of this section the regulations made by them in pursuance of section 27 of the Liverpool Corporation Tramways Act 1897 shall be deemed to be the Board of Trade regulations for the purposes of this Order.

Mechanical
power works.

16. For the purpose of working the tramways or the existing tramways by mechanical power the Promoters may supply electrical energy from any generating station constructed in pursuance of powers conferred or to be conferred upon them and may subject to the provisions of this Order construct maintain and use stations for generating electrical power and provide 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 brackets rosettes electric conductors wires and apparatus.

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

17. All works to be executed by the Promoters in any road for working the tramways or the existing 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

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of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

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Byelaws.

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

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

For regulating the emission of smoke or steam from engines used on the said 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 said 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 said 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.

Provided that until the Board of Trade shall have made byelaws under this section the byelaws made by them under section 31 of the Liverpool Corporation Tramways Act 1897 shall so far as the same are applicable be deemed to have been made under this section.

19. 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 or the existing 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 said 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.

20. 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:—

Special provisions as to use of electrical power.

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

(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of

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

For protection
of the
Postmaster-
General.

21. (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 the existing 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

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

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

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

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

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

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

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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 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.

Repeal of provisions of Order of 1881 and partial repeal of Liverpool Corporation Tramways Act 1897.

22. Sections 18 to 23 (both inclusive) and Schedule A of the Order of 1881 (relating to motive power) and so much of section 14 of the Order of 1884 as applies those provisions to the tramways and undertaking authorised by the Order of 1884 are hereby repealed and sections 27 and 30 to 35 (both inclusive) of the Liverpool Corporation Tramways Act 1897 shall cease to apply to any tramways belonging to the Promoters.

Traffic and Rates.

Application of provisions as to traffic and rates.

23. The provisions of sections 24 to 30 (both inclusive) 32 and 33 of the Order of 1881 and Schedule B. to that Order shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways as if they were herein re-enacted and for the purposes of tolls and charges the tramways shall be deemed to have been authorised by the Order of 1881.

Cheap fares for labouring classes.

24.—(1.) Notwithstanding anything in any Act or Order relating to the tramways or the existing tramways 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

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.

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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.

(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.

Miscellaneous.

25. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take rates tolls and charges in respect of the tramways and the existing 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 contained in the Acts and Orders relating to the working of the tramways and the taking of rates tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation and the Corporation may work the tramways and the existing tramways and demand and recover such rates tolls and charges accordingly but nothing in this section shall empower the Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

Power to
 Corporation
 to work
 tramways.

26. 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 Corporation be made by the Corporation alone.

Regulations.

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

Working
 agreements.

(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 or working of the whole or any part of the tramways or of the existing tramways ;

(b) 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

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forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways or the existing tramways or any of such tramways 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

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

Restriction on exercise of powers by lessees.

28. The powers conferred upon the Promoters by this Order shall not be exercised by their lessees unless the Promoters consent thereto in writing or unless the lessees are authorised to exercise such powers by the terms of their lease.

Orders &c. of the Board of Trade.

29. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order or of the Order of 1881 or the Order of 1884 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 such orders 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.

30. 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 any Act or Order relating to their tramways and the rates tolls charges and sums authorised to be taken or received by them under the provisions of any such Act or Order.

Recovery of penalties.

31. Any penalty under this Order or under the Order of 1881 or the Order of 1884 or under any byelaws or regulations made under such Orders may be recovered in manner provided by the Summary Jurisdiction Acts.

Application of provisions of Orders of 1881 and 1884.

32. The provisions of sections 39 (Carriages or horses unfit for use may be removed) 40 (Power to enter into agreements with respect to traffic &c.) and 42 (Form and delivery of notices) of the Order of 1881 and of section 17 (Audit of accounts) of the Order of 1884 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply to and in relation to the tramways as if they were herein re-enacted.

Protection of local authority.

33. 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 the Order of 1881 and the Order of 1884 and any other Act or Order relating to the tramways of the Promoters.

Provisions as to arbitration.

34. Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1881 or the Order of 1884 any matter in difference is

referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation Section 41 of the Order of 1881 and so much of section 14 of the Order of 1884 as applies the said section 41 are hereby repealed.

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35. Notwithstanding any provision in any Act or Provisional Order relating to any existing tramways of the Corporation the Conveyance of Mails Act 1893 shall extend and apply to all such tramways as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Promoters as the body or person owning or working such tramways.

Carrying of
mails by
Promoters

36. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the existing tramways or the tramways or the existing 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 or charges authorised by this Order.

Saving for
general Acts.

RADCLIFFE URBAN DISTRICT COUNCIL.

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

Radcliffe
Urban
District
Council.

Preliminary.

1. This Order may be cited as the Radcliffe 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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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 Radcliffe in the county of Lancaster ;

The expression “the Council” means the Urban District Council of Radcliffe ;

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.

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 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 five acres of land and 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 sleepers channels

junctions turntables turnouts crossings passing places works and conveniences connected therewith or for the purpose thereof and may work and use the same ;

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

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District
Council.

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 :

Provided further that notwithstanding anything shown on the deposited plans the distance between the centres of double lines at the passing loops shall not without the consent in writing of the Board of Trade exceed the space necessary to afford a clearance of 15 inches between the sides of passing cars.

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

Tramway No. 1.—2 miles 4 furlongs 4·68 chains in length commencing in Radcliffe New Road within the district at a point on the west of Dales Lane being the defined boundary between the district and the Urban District of Whitefield passing thence in a westerly and northerly direction along Radcliffe New Road Stand Lane Radcliffe Bridge Blackburn Street Water Street Bolton Road and Stopes Road and terminating in the last-mentioned road at a point being the defined boundary between the district and the urban district of Little Lever.

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

- (a) From the commencement of the said Tramway No. 1 in Radcliffe New Road at the defined point at Dales Lane to a point in Radcliffe New Road 4 chains or thereabouts east of Dales Lane.
- (b) From a point in Radcliffe New Road 8·10 chains or thereabouts west of Leicester Road to a point in the said road 12·10 chains or thereabouts west of the said road.
- (c) From a point in Radcliffe New Road 2 chains or thereabouts west of the centre of the bridge carrying the said road over the Lancashire and Yorkshire Railway to a point in the said road 6 chains or thereabouts west of the centre of the said bridge.
- (d) From a point in Radcliffe New Road 4·70 chains or thereabouts west of Victoria Street to a point in the said road 8·70 chains or thereabouts west of the said street.
- (e) From a point in Stand Lane ·10 chain or thereabouts west of the centre line of Market Street to a point in the said lane 3·10 chains or thereabouts west of the said street.

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- (f) From a point in Blackburn Street $\cdot 10$ chain or thereabouts west of Green Street to a point in the said Blackburn Street $4 \cdot 10$ chains or thereabouts west of the said Green Street.
- (g) From a point in Water Street $\cdot 10$ chain or thereabouts west of Spring Lane to a point in the said street $4 \cdot 10$ chains or thereabouts west of the said lane.
- (h) From a point in Water Street $\cdot 10$ chain or thereabouts west of Knowles Street to a point in the said Water Street $4 \cdot 10$ chains or thereabouts west of the said Knowles Street.
- (i) From a point in Water Street $1 \cdot 10$ chains or thereabouts west of Ainsworth Road to a point in Water Street $1 \cdot 10$ chains or thereabouts west of Grosvenor Street.
- (j) From a point in Bolton Road $\cdot 10$ chain or thereabouts west of George Street to a point in the said road $4 \cdot 10$ chains or thereabouts west of the said street.
- (k) From a point in Bolton Road $\cdot 10$ chain or thereabouts west of Pitt Street to a point in the said road $4 \cdot 10$ chains or thereabouts west of the said street.
- (l) From a point in Bolton Road 2 chains or thereabouts east of Countess Lane to a point in Stopes Road 2 chains or thereabouts west of the said lane.
- (m) From a point 1 furlong $6 \cdot 50$ chains or thereabouts east of the defined boundary of the district and the urban district of Little Lever to the last-mentioned boundary.

Tramway No. 2.—7 furlongs $6 \cdot 50$ chains in length commencing in Water Street within the said district at a point $\cdot 75$ chain or thereabouts east of the centre of Ainsworth Road at its junction with the said street and passing thence in a northerly direction along Ainsworth Road and terminating in the said road at a point being the defined boundary between the district and the township of Ainsworth near Mill Street.

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

- (a) From a point in Water Street $\cdot 75$ chain or thereabouts east of the centre of Ainsworth Road to a point in the said road $4 \cdot 10$ chains north of Lowe Street.
- (b) From a point in Ainsworth Road $\cdot 10$ chain or thereabouts north of Coventry Street to a point in the said road $4 \cdot 10$ chains north of the said street.
- (c) From a point $9 \cdot 25$ chains or thereabouts south of the defined boundary of the district and the township of Ainsworth near Mills Street to the last-mentioned boundary.

Tramway No. 2A.— $1 \cdot 4$ chains in length commencing in Water Street at a junction with Tramway No. 1 at a point $\cdot 85$ chain or thereabouts west of the centre of Ainsworth Road at its junction with the said street and passing thence in a northerly direction along Ainsworth Road and

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terminating at a junction with Tramway No. 2 at a point $\cdot 85$ chain or thereabouts north of the centre of Water Street;

Tramway No. 2A shall be laid as a single line throughout.

Tramway No. 3.—1 mile 4 furlongs 5 chains in length commencing in Blackburn Street within the said district at a point $\cdot 75$ chain or thereabouts south of the centre of Spring Lane at its junction with the said street and passing thence in a westerly and southerly direction along Spring Lane Cross Lane Chapel Street Bury Street and Dumers Lane and terminating in the said lane at a point being the defined boundary between the district and the county borough of Bury at the centre of Hardy's Gate Bridge.

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

- (a) From a point in Cross Lane $\cdot 10$ chain or thereabouts east of Park street to a point in the said lane $4\cdot 10$ chains or thereabouts east of Park street.
- (b) From a point in Chapel Street 1 chain or thereabouts south of Cross Lane to a point in the said street 5 chains or thereabouts south of the said lane.
- (c) From a point in Bury Street opposite the centre or thereabouts of Church Green to a point in the said street 4 chains or thereabouts north of the centre of the said Church Green.
- (d) From a point in Dumers Lane $4\cdot 50$ chains or thereabouts east of the approach road to Broad Dumers Works to a point in the said lane $8\cdot 50$ chains or thereabouts east of the said approach road.
- (e) From a point in Dumers Lane 4 chains or thereabouts west of the defined boundary between the said Urban District of Radcliffe and the county borough of Bury at the centre of Hardy's Gate Bridge to the last-mentioned boundary.

Provided always that Tramway No. 3 shall not be constructed in Chapel Street Bury Street or Dumers Lane opposite any house shop or warehouse belonging to or occupied by Messrs. Richard Bealey and Company without the consent in writing of that firm. Provided also that the said tramway shall not be laid beyond Cross Lane without the consent in writing of the Board of Trade.

Tramway No. 3A.— $\cdot 90$ chain in length commencing in Water Street at a junction with Tramway No. 1 at a point $\cdot 55$ chain or thereabouts north of the centre of Spring Lane at its junction with the said street and passing thence in an easterly direction along Spring Lane and terminating at a junction with Tramway No. 3 at a point $\cdot 55$ chain or thereabouts east of the centre of Water Street.

Tramway No. 3A shall be laid as a single line throughout.

Tramway No. 4.—2 furlongs $8\cdot 65$ chains in length commencing in Blackburn Street within the district at a point $\cdot 75$ chain or thereabouts south of the

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centre of Sion Street at its junction with the said Blackburn Street and passing thence in a westerly and southerly direction along Sion Street Wilton Street and Lomax Street and terminating in the last-mentioned street at a point 4 chains or thereabouts south-east of its junction with Dale Street.

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

From a point in Sion Street 4·75 chains or thereabouts east of Wilton Street to a point in the said Sion Street ·75 chain or thereabouts east of the said Wilton Street.

For protection
of the Lanca-
shire County
Council.

7. 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 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.

(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

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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 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 with or used with the tramway lines.

(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 hereinbefore provided) arises under this section between the Promoters and the county council that question shall be referred to arbitration under this Order.

8. For the protection of the Lancashire and Yorkshire Railway Company (herein-after called "the company") the following provisions shall apply and have effect:—

For protection
of Lancashire
and Yorkshire
Railway
Company.
(Structure of
bridges.)

(1) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway of the company or of the approaches thereto and they shall so construct and maintain the tramway over such bridge and the approaches thereto as not injuriously to affect the same. Provided further that whenever the

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

tramway 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 turn outs or passing places shall be constructed thereon.

(2) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing or removal of the said tramway the company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridges 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
widening of
railways &c.)

(3) 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 the said tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramway 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 tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer (if such engineer 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 or in respect of such stoppage or delay or in any way relating thereto.

(Strengthening
of bridges
necessitated by
mechanical
traction.)

(4) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on the said tramway being or being intended to be moved by electrical steam or any mechanical power such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the 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.

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 Urban
 District
 Council.

(Superintendence of works affecting railways &c.)

(5) All works which may be necessary in constructing and maintaining the said tramway over 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 engineers 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.

(6) 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.

(7) In working Tramway No. 2 by this Order authorised no tramcar or other vehicle used thereon shall without the consent in writing of the company under their common seal be stopped or permitted to be stopped in front of the entrances to the Black Lane Station of the company or within a distance of ten yards on either side thereof respectively except only and for so long as may be absolutely necessary for the purpose of setting down and taking up passengers.

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

(Settlement of differences.)

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

Gauge.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down or renewing the tramways or any part thereof lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any part of the tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Provisions as to construction of tramways.

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

Rails of tramways.

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

12. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the 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 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 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.

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 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.

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 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 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.

Cross-overs to
be constructed
in certain
cases.

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 and they are hereby required to 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.

Additional
cross-overs &c.
may be made
where neces-
sary.

16. The Promoters may subject to the provisions of this Order make maintain alter and remove such cross-overs passing places sidings loops triangles junctions and other works in addition to those particularly specified

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in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables carriage houses sheds or works of the Promoters 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.

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

Temporary tramways.

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.

Application of road materials excavated in construction of works.

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.

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

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):—

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 nor unless and until the passing places are of a length satisfactory to 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 any 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

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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.

Power to place
posts wires &c.

21. For the purpose of working the tramways by mechanical power the Promoters may subject to the provisions of this Order construct and maintain on any lands appropriated or acquired by them under the provisions of this Order and use stations for the supply and storing of gas oil or other power to be used on any motor for generating electric 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 pipes store chambers posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings.

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

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 provided) to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

23. 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):—

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;

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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 ;

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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 byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the 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.

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 :—

Special provisions as to
use of electrical
power.

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

(2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances 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

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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 protection
of the Post-
master-
General.

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.

(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 sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or

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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;

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- (3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;
- (b) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration;
- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if 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;

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(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.

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.

Provisions as to carriage of animals goods &c.

29. In case the Promoters 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.

Rates.

Passenger fares.

30. 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.

As to fares on Sundays or holidays.

31. 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.

Passengers' luggage.

32. 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.

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33.—(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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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.

34. 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.

Rates and charges for animals goods &c.

35. 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.

Payment of rates.

36. 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 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

Periodical revision of rates.

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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.

Power to
Council to
work tram-
ways.

37. 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 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.

Regulations.

38. 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.

Working
agreements.

39. 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 person or local authority authorised to enter into such contracts and 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.

Orders &c. of
the Board of
Trade.

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

41. 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.

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

Recovery of penalties.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

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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

Goods and Minerals.

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 high-ways -	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 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. but not exceeding 28 lbs. in weight -		0	7
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight -		0	9
For any parcel exceeding 56 lbs. but not exceeding five hundred pounds in weight such sum as the person conveying the same may think fit.			

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

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	Per mile.	A.D. 1900.
<i>For the Carriage of Single Articles of Great Weight.</i>	s. d.	<i>Rochdale Urban District Council.</i>
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 - - - per ton	2 0	
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

Regulations as to Rates.

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

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

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

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

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

ST. HELENS CORPORATION.

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

1. This Order may be cited as the St. Helens 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 7 of the Telegraph Act 1878 shall apply (instead

Incorporation
of Acts.

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A.D. 1900. of the provisions of section 30 of the Tramways Act 1870) to any alteration
St. Helens of or interference with any telegraphic line belonging to or used by the
Corporation. Postmaster-General The expression "telegraphic line" in this Order has the
same meaning as in the Telegraph Act 1878.

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 borough" means the county borough of St. Helens ;

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

The expression "the Act of 1898" means the St. Helens Corporation
Act 1898 ;

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

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

The expression "the Promoters' tramways" means the tramways and the
tramways and works authorised by the several Acts relating to the
tramways belonging to the Promoters ;

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

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

Lands. 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 being part
of their corporate estates ;

(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 tramway purposes more than
five acres of land Provided always that nothing in this Order shall exonerate
the Promoters from any indictment action or other proceeding for nuisance in
the event of any nuisance being caused or permitted by them upon lands
appropriated or taken under the powers of this section.

A.D. 1900.

St. Helens Corporation.
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 sleepers junctions turntables turnouts crossings passing places works and conveniences connected therewith or for the purposes thereof;

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

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the 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 borough and are as follows (that is to say):—

Tramway No. 1 (4 furlongs 4·15 chains in length whereof 3 furlongs 7·15 chains will be single line and 7·00 chains will be double line) commencing in Eccleston Street by a junction with the existing tramway at a point 6 yards east of the east side of Lawrenson Street passing along Eccleston Street Boundary Road and Knowsley Road and terminating at the intersection of the centre lines of Knowsley Road and Dunriding Lane.

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

(a) In Knowsley Road between points 13 yards and 90 yards respectively west of the west side of that part of Boundary Road which lies to the north of Knowsley Road.

(b) In Knowsley Road between points 5 yards and 82 yards respectively east of the east side of Dunriding Lane.

Provided that between the last-mentioned points the said tramway shall be constructed as single line unless the Board of Trade consent to its being constructed as double line or unless the road shall be widened so that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Tramway No. 2 (single line 1 furlong 5·84 chains in length) commencing in Higher Parr Street by a junction with the existing tramway at a point 55 yards west of the east side of Jackson Street passing along Traverse Street and Ashcroft Street and terminating in the last-mentioned street by a junction with the existing tramway at a point 3 yards south of the south side of Traverse Street.

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 2) Act, 1900.

A.D. 1900.

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Tramway No. 3 (single line 1 furlong 0·22 chain in length) commencing in Church Street by a junction with the existing tramway at a point 3 yards east of the south-east side of Hardshaw Street passing along Church Street Hardshaw Street and Corporation Street and terminating in the last-mentioned street by a junction with the existing tramway in that street at a point 2 yards west of the south-east side of that portion of Hardshaw Street which lies to the north of Corporation Street. Provided that notwithstanding anything herein contained or shown on the deposited plans Tramway No. 3 shall be so constructed that a space of not less than 8 feet 10½ inches shall intervene between the outside of the existing footpath on the south-east side of the street in front of the premises belonging or reputed to belong to Parr's Bank Limited and the nearest rail of the tramway and that the said tramway shall not be opened for public traffic until Hardshaw Street has been paved with wood.

Tramway No. 4 (single line 1 furlong 4·05 chains in length) commencing in Corporation Street by a junction with the existing tramway at a point 3 yards east of the south-east side of Barrow Street passing along Corporation Street Duke Street and North Road and terminating in the last-mentioned road by a junction with Tramway No. 4 authorised by the Act of 1898 at a point 3 yards north of the north side of that portion of Duke Street which lies to the west of North Road.

Tramway No. 5 (single line 1·66 chains in length) commencing in Ormskirk Street by a junction with the existing tramway at a point 1 yard south of the south side of Westfield Street passing along Ormskirk Street and Cotham Street and terminating in the last-mentioned street by a junction with the existing tramway at a point 7 yards east of the east side of that portion of Baldwin Street which lies to the north of Cotham Street.

Tramway No. 6 (5 furlongs 8·80 chains in length whereof 5 furlongs 1·80 chains will be single line and 7·00 chains will be double line) commencing in Derbyshire Hill Road by a junction with Tramway No. 6 authorised by the Act of 1898 at a point 3 yards west of the west side of Newton Road passing along Derbyshire Hill Road and Newton Road and terminating in that road at the boundary of the borough at the boundary brook.

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

(a) In Newton Road between points respectively 27 yards and 104 yards east of the east side of Providence Street;

(b) In Newton Road between points respectively 13 yards and 90 yards west of the termination of the tramway. Provided that between the last-mentioned points Tramway No. 6 shall be constructed as single line unless the Board of Trade consent to its being constructed as double line or unless the road shall be widened so that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

[63 & 64 VICT.] *Tramways Orders Confirmation* [Ch. cxcix.]
(No. 2) Act, 1900.

Tramway No. 7 (single line 1 furlong 5·85 chains in length) commencing in Parr Street by a junction with the existing tramway at a point 33 yards east of the centre of Raven Street canal bridge passing along Parr Street and Sharpe Street and terminating in the last-mentioned street by a junction with the existing tramway at a point 18 yards west of the west side of Atlas Street.

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Tramway No. 8 (3 furlongs 0·45 chain in length whereof 2 furlongs 6·95 chains will be single line and 3·50 chains will be double line) commencing in Station Road by a junction with Tramway No. 7 authorised by the Act of 1898 at a point 205 yards east of the east side of Pecker's Hill Road being the termination of that tramway passing along Station Road Junction Lane Helena Road and Bold Road to a point 30 yards east of the east side of Hills Moss Road.

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

In Bold Road from a point 53 yards west of the east side of Hills Moss Road to a point 24 yards east of the east side of Hills Moss Road.

Provided that Tramway No. 8 shall not be constructed in Bold Road unless and until the road is widened to not less than 22 feet.

7.—(1) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the mains pipes tubes wires and apparatus of the mayor aldermen and citizens of the city of Liverpool (in this section called "the Liverpool corporation") as if they were a company within the meaning of that section. Provided that notwithstanding anything in that section contained the Promoters shall not alter the position of or in any way interfere with the Rivington Aqueduct which forms part of the waterworks of the Liverpool corporation except with the consent of that corporation.

For the protection of the Liverpool Corporation.

(2) The Liverpool corporation shall not be liable to the Promoters for any damages in respect of any failure in the said water mains or pipes by reason of any subsidence caused by the getting of coal under the ground in which such water mains or pipes are laid at or near to the points where the tramways are constructed.

8. In constructing and maintaining the tramways and in constructing and maintaining any works for the purpose of working any of the tramways belonging to the Promoters by mechanical power where the same are intended to cross any bridge carrying any road over any railways of the London and North Western Railway Company (hereinafter referred to as "the company") or to pass under any railway bridge of the company the following provisions shall have full force and effect and be binding upon the Promoters:—

For the protection of the London and North Western Railway Company.

(1) The Promoters shall not in any way vary alter or interfere with the structure of any such bridge or the approaches thereto and they shall so construct and maintain the tramway and works over such bridge and approaches or under such bridge as the case may be 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

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
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and works the company may at the expense of the Promoters restore such bridges and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the company against all sums costs and expenses which they may pay or be put to in repairing or maintaining so much of the road over such bridge or approaches as the Promoters are liable to maintain and repair under section 28 of the Tramways Act 1870 and the company may recover from the Promoters all such sums costs and expenses.

- (3) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and shall find it necessary for effecting any of such purposes that the working and user of the tramway over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give to the Promoters 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 tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer give such superintendence but only for so long as may 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.

And in case the principal engineer of the company or in case of difference an engineer to be appointed by the Board of Trade on the application of either the company or the corporation shall be of opinion that any such strengthening reconstruction or alteration is necessary owing to the carriages or other vehicles used on any such tramway being moved or intended to be moved by steam or 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 or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith.

- (4) Whenever such tramway on either side of such bridge or approaches is a single line there shall only be a single line over such bridge or approaches and no turn-outs or passing-places shall be constructed thereon.

(5) All works which may be necessary in constructing and maintaining any tramway or for working the Promoters' tramways by mechanical power over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the company or the Promoters.

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(6) With respect to Tramway No. 8 where the same will pass in front of the entrances to the St. Helen's Junction passenger and goods stations 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 a length of ten yards at each end of such distance without the consent of the company under their common seal and without the like consent no tramcar or other vehicle or carriage used on that tramway shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers and except in cases where such stoppage is occasioned by circumstances beyond the control of the Promoters.

(7) If any difference shall arise under this Order between the Promoters and the company the matter in difference shall unless otherwise agreed be determined (save where by this section otherwise provided) by arbitration under this Order.

9. The following provisions of the St. Helens Corporation Act 1898 shall so far as they are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways authorised by this Order as if such tramways had formed part of the tramways authorised by that Act (that is to say):--

Application of
provisions of
Act of 1898.

Section 9. Tramways not to be opened until certified by Board of Trade.

Section 10. As to rails of tramways.

Section 11. Further provision as to construction of tramways.

Section 12. Tramways to be kept on a level with surface of road.

Section 13. Incorporation of provisions from Act of 1879.

Section 14. Tramways to form part of tramway undertaking.

Section 15. Fares on Sundays or public holidays not to be raised.

Section 17. Provisions as to motive power.

Section 19. Special provisions as to the use of electric power.

Section 20. For protection of the Postmaster-General.

Section 21. Byelaws.

Section 23. Repeal of section 57 of Act of 1879--Charges for animals and goods.

Section 24. Corporation &c. not bound to carry goods.

Section 25. Amendment of section 58 of Act of 1879.

Section 27. Power to use and purchase lands by agreement.

Section 29. Power to Corporation to work tramways.

Section 37. Application of revenue.

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(No. 2) Act, 1900.

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Corporation.

Provided that no carriages used on Tramway No. 3 shall be allowed to stop thereon for the purpose of taking up or setting down passengers more than once upon each journey nor for more than half a minute upon each occasion.

Cheap fares
for labouring
classes.

10.—(1.) Notwithstanding anything in any Act relating to the Promoters' tramways 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 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.

(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.

Alteration of
tramways.

11. 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 Promoters' 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 such 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.

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

12. Where in any road in which any of the Promoters' tramways is laid as a double line 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.

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such cross-overs 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 Promoters' 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.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the Promoters' tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road 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 to such regulations as that authority may make.

15. For the purpose of working by mechanical power any of the Promoters tramways the Promoters may subject to the provisions of this Order supply electrical energy from any station constructed in pursuance of powers conferred or to be conferred upon them and 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 or occupiers of any houses or buildings affix to such houses or buildings and maintain bracket; rosettes electric conductors wires and apparatus.

16. All works to be executed by the Promoters in any road for working the Promoters' 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.

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—
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Additional crossings &c. may be made where necessary.

Temporary tramways.

Mechanical power works.

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

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 2) Act, 1900.

A.D. 1900.

St. Helens Corporation.

Working agreements.

17. 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 Promoters' tramways ;
- (b) 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 Promoters' 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
- (c) 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.

18. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order or of any enactment relating to the tramways of the Promoters 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 or of such enactments (as the case may be) and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Protection of local authority.

19. 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 the Act of 1898 or this Order.

Provisions as to arbitration.

20. 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 these enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Saving for general Acts.

21. Nothing in this Order contained shall exempt the Promoters or any person using the Promoters' tramways or the Promoters' tramways from the

provisions of any general Act relating to tramways 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. A.D. 1900.
St. Helens
Corporation.

WARWICK.

Order authorising the alteration of the gauge of so much of the Tramways of the Leamington and Warwick Tramways and Omnibus Company Limited as is situate in the Borough of Warwick and the working of the same by mechanical power. *Warwick.*

Preliminary.

1. This Order may be cited as the Warwick Tramways Order 1900 and shall come into force upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Short title.

2. The Leamington and Warwick Tramways Orders 1879 and 1882 (herein-after called "the Orders of 1879 and 1882") as amended by this Order and this Order shall be construed together as one Order and may be cited as the Warwick Tramways Orders 1879 to 1900. Orders of
1879 and 1882
and this
Order to be
read as one.

3. In this Order and in the Orders of 1879 and 1882 :— Interpretation.

The expression "the tramways" means so much of the tramways constructed under the Orders of 1879 and 1882 as is situate within the borough of Warwick ;

The expression "the undertaking" means so much of the undertaking authorised by the Orders of 1879 and 1882 as is situate within the borough of Warwick and the undertaking by this Order authorised ;

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

The expression "engine" includes motor.

Promoters.

4. The Leamington and Warwick Tramways and Omnibus Company Limited shall be the promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

Lands.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands not required for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land and that nothing in this Order shall exempt the Promoters from any indictment action or other proceeding for Lands by
agreement.

A.D. 1900. nuisance in the event of any nuisance being caused or permitted by them upon
 Warwick. any land acquired by them under this section or under the Order of 1879.

Reconstruction of Tramways.

Reconstruction of existing tramways.

6. Subject to the provisions of this Order the Promoters may relay the plates and rails of the tramways or otherwise alter the present construction thereof for the purpose of adapting the same for working by mechanical power as by this Order authorised.

For the protection of the Great Western Railway Company.

7. Where any tramways shall be reconstructed under a bridge carrying any railway of the Great Western Railway Company (hereinafter called "the company") :—

- (1) The Promoters shall so reconstruct maintain and use the tramways as not to injuriously affect the bridge and in the event of any injury being occasioned to such bridge by the reconstruction maintenance or user of the tramway under the same the company may make good the injury and may recover from the Promoters the expenses of so doing as a simple contract debt.
- (2) The Promoters shall give seven days' notice in writing to the company of the intention to commence any works under any such bridge or which may affect or interfere with the structural works of any such bridge and shall at the same time send sufficient specifications or other information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the company and so as not in any way to interfere with the traffic on any railway of the company.
- (3) 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.

Alteration of gauge.

8. The Promoters may alter the gauge of the tramways from 4 feet 8½ inches to 3 feet 6 inches or such other gauge as may from time to time be determined by the Board of Trade with the assent of the Promoters and for that purpose may take up and remove all or some of the existing rails plates and apparatus and other works of or connected with the tramways and may relay the same or others in lieu thereof and may execute all such works and exercise all such powers as may be necessary or expedient for carrying out such alteration Provided always that in the event of the tramways being constructed on a less gauge than 4 feet 8½ inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed 6 feet 6 inches in width or such less width as may be prescribed by the Board of Trade.

A.D. 1900.

9.—(1) Notwithstanding anything shown upon the plans or contained in the Orders of 1879 and 1882 or this Order the Promoters may with the consent of the road authority and of the Board of Trade lay down in any road a double line in lieu of a single or interlacing line or a single line in lieu of a double or interlacing line or an interlacing line in lieu of a double or single line on any of the tramways and if at any time after the construction of any tramway upon a road such road shall be altered or widened the Promoters may with the consent of the Board of Trade take up and remove such tramway or any part thereof and reconstruct the same in such position in the road as the road authority and the Promoters may agree. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Warwick.
Power to lay double or interlacing line in place of single or vice versa.

(2) The Promoters shall before commencing any works under this section send a plan to the Board of Trade showing the position of the proposed works and shall construct such works only in accordance with plans approved by the Board of Trade.

(3) Any difference arising under this section between the Promoters and the road authority shall be determined by the Board of Trade.

10.—(1) In addition to and in connexion with the tramways the Promoters may subject to the provisions of this Order with the consent of the local authority and road authority (which consent shall not be unreasonably withheld) make maintain alter and renew such crossings passing places sidings junctions and other works as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables engine-houses power-houses carriage-houses sheds or works of the Promoters. Provided that if before commencing to make alter or remove any such work as aforesaid in the district of any local authority or road authority the Promoters deliver to the authority a plan showing the position of the work proposed to be made altered or removed as the case may be and the authority do not within fourteen days give notice to the Promoters of any objection such authority shall be taken to have consented to the making alteration or removal of such work as shown by the said plan. Provided always 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.

Power to make crossings &c.

(2) Before commencing to make alter or remove any such work as aforesaid the Promoters shall send to the Board of Trade a plan showing the position of

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 2) Act, 1900.

A.D. 1900. the work proposed to be made altered or removed as the case may be and shall
Warwick. not make alter or remove the work except with the approval of the Board of Trade.

(3) If any question arises as to whether the consent of the local authority or road authority is unreasonably withheld under this section that question shall be referred to arbitration under the Order Section 16 of the Order of 1879 is hereby repealed so far as regards the tramways.

As to man-
holes.

11.—(1) Section 19 of the Order of 1879 is hereby repealed so far as regards the tramways and the following provision shall be substituted therefor.

(2) Where the tramways are constructed or intended to be constructed or reconstructed over any manhole or entrance into any sewer of the local authority or so close to such manhole or entrance as to make the use thereof dangerous the local authority shall without any unnecessary delay and at the expense of the Promoters alter the position of such manhole or entrance in such manner as may be reasonably necessary.

(3) If any question between the local authority and the Promoters arises under this section that question shall be referred to arbitration.

As to removal
of snow &c.

12. If the Promoters at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Promoters shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Promoters shall not use salt or other unsuitable material for thawing the snow on any road.

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

13. The tramways as reconstructed and adapted for working by mechanical power as by this Order provided shall not be opened for public traffic until the same have as so reconstructed been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Provisions as
to motive
power.

14. The carriages used on the tramways may subject to the provisions of this Order 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 and no steam locomotives shall be used except with the further consents of the local authority and of the road authority ;

(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 other company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing

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offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof; A.D. 1900.

(4.) The Board of Trade if they are of opinion--

(a) That the Promoters or such other company or person using mechanical power 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 a mechanical power as authorised under this Order is a danger to the passengers or the public;

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

Warwick.

15. For the purpose of working the tramways by mechanical power the Promoters may construct erect lay down and maintain on in under or over the surface of any street road or place and may with the consent in writing of the owner and occupier of any house or building attach to such house or building such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for connecting any portions of such tramways or for providing access to or forming connexions with any generating station or stations engines machinery or apparatus.

Mechanical power works.

Provided always that with regard to any posts or columns to be erected under this section including the arms or brackets thereof the following provisions shall have effect (that is to say):—

(a) Their position and design shall be subject to the reasonable approval of the local authority;

(b) They shall not be used for purposes of advertising:

Any difference between the local authority and the Promoters under this proviso shall be a matter in difference within section 33 of the Tramways Act 1870.

16. 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 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.

17. The Promoters may on the lands hereinafter mentioned or any part thereof erect maintain work and use a station or stations for generating transforming applying and distributing electrical energy or power with all necessary dynamos batteries accumulators engines machinery plant works and conveniences for that purpose and may generate transform apply and distribute such energy or power for the purpose of working the tramways but nothing in

Power to use generating station.

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
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A.D. 1900. this Order shall empower the Promoters to construct a station for generating
Warwick. electrical power on any lands other than those described in this section.

The lands hereinbefore referred to are:—

Certain lands now in the occupation of the Promoters and forming the site of their existing depôt in Coten End in the borough of Warwick.

Byelaws.

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

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

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

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

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

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

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

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

19. 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 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.

20. 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 the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other

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

21.—(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.

[Ch. cxcix.] *Tramways Orders Confirmation* [63 & 64 VICT.]
(No. 2) Act, 1900.

A.D. 1900.

Warwick.

(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 the 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 the 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 the undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection;
- (3)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;
- (b) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration;
- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;
- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having

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 ———
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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 any person owning working or running carriages over the tramways or any part thereof.

Traffic upon Tramways.

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

23. The Promoters 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.

24. In case the Promoters carry animals goods minerals or parcels they may and when required by the local authority 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. Provision as to conveyance of animals goods &c. in separate carriages.

25. No carriages or trucks adapted for use upon railways shall be used upon the tramways. Railway carriages no to be used on tramways.

26. The Promoters shall not use or permit to be used in any road within the district of the local authority any bell or other continuous sounding instrument in or upon the carriages running on the tramways or upon the horses attached As to use of bells.

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—
Warwick.
Cheap fares
for labouring
classes.

thereto except with the approval of such authority or by the direction of the Board of Trade.

27.—(1.) Notwithstanding anything in the Orders of 1879 and 1882 contained the Promoters at all times after the opening of the tramways as reconstituted and adapted under this Order 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 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 to provide such service as may appear to the Board to be reasonable.

(3.) The Promoters 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.

Tolls &c.

Tolls for goods
&c.

28. The Promoters may in addition to the tolls authorised by the Order of 1879 demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to such conveyance any tolls or charges not exceeding those specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained and that schedule shall so far as regards the tramways as by this Order defined take effect as if it formed part of the schedule to the Order of 1879.

Miscellaneous.

Purchase by
local authority.

29. Notwithstanding anything in the Orders of 1879 and 1882 or the Tramways Act 1870 contained the powers of purchase given by section 43 of that Act shall as regards the undertaking as by this Order defined be exerciseable in and only in the manner and subject to the terms and conditions by this section prescribed:—

(1) Such powers shall not be exerciseable until the expiration of twenty-eight years from the date of the passing of the Act confirming this Order The period of twenty-one years in the said section mentioned shall in respect of the undertaking be deemed to be the period of twenty-eight years from the date of the passing of the Act confirming this Order and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of twenty-eight years Such powers

shall be exerciseable upon the terms of payment to the Promoters of the fair market value of the undertaking as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs and the said section shall as regards the undertaking be construed as if the terms of purchase herein mentioned were substituted for the terms of purchase in the said section mentioned ;

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Warwick.

(2) Notwithstanding the previous provisions of this section such powers shall be exerciseable on the expiration of seven years from the date of the passing of the Act confirming this Order if the local authority within one month from the expiration of such period of seven years by notice in writing require the Promoters to sell the undertaking In that event the period of twenty-one years and the subsequent periods in the said section 43 mentioned shall be deemed to be the period of seven years from the date of the passing of the Act confirming this Order and the term of six months shall be deemed to be the term of one month by this sub-section prescribed The powers of this sub-section shall be exerciseable upon such terms of payment and subject to such conditions as failing agreement shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and the said section 43 shall as regards the undertaking be construed as if the terms of purchase herein mentioned were substituted for the terms of purchase in the said section mentioned Provided that if the local authority exercise the powers of purchase given by this sub-section they sha'll thereupon grant to the Promoters a lease of the undertaking so purchased for a period of 21 years from the date of purchase at a rental equal to the amount payable by the council for interest and sinking fund upon a loan to provide such purchase-money repayable in 30 years.

30. Nothing in this Order or the Orders of 1879 and 1882 or in the Tramways Act 1870 contained shall prevent the Promoters borrowing moneys on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be indorsed with notice to that effect.

Saving as to powers of borrowing on mortgage.

31. All orders regulations and byelaws made and consents approvals 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

Orders &c. of the Board of Trade.

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A.D. 1900. Warwick. 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. 32. 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.

Provisions as to arbitration. 33. Where under the provisions of the Tramways Act 1870 or the Orders of 1879 and 1882 or of this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation Section 32 of the Order of 1879 is hereby repealed.

Carrying of mails by Promoters. 34. Notwithstanding any provision in any Act or Provisional Order relating to the existing tramways of the Promoters the Conveyance of Mails Act 1893 shall extend and apply to all such tramways as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Promoters as the body or person owning or working such tramways.

Saving for general Acts. 35. 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.

THE SCHEDULE.

TOLLS AND CHARGES FOR ANIMALS GOODS &c.

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

Goods and Minerals.

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Warwick.

	s.	d.
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 ironstone 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 specially 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 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

Single Articles of Great Weight.

The Promoters shall not be bound to carry single articles of great weight but if they do carry such articles they may charge:—

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 shall exceed four tons but shall not exceed eight tons such sum as the Promoters may think fit not exceeding two shillings per ton per mile ;

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

Regulations as to Tolls.

For articles or animals conveyed on the tramways for a less distance than a mile the tolls 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 the Promoters may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

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

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A.D. 1900. In the case of goods and single articles of great weight the Promoters may
Warwick. demand such charges as are reasonable for loading and unloading the same
and if any difference shall arise as to the reasonableness of any such charge
the matter in difference shall be settled by the Board of Trade.

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